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COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

**Extraordinary Session of 1940.**

Vol. 24 HARRISBURG, PA., MONDAY, MAY 6, 1940. No. 1.

## SENATE

MONDAY, May 6, 1940, 3 O'clock, P. M., E. S. T.

This being the day and hour fixed by the Governor of the Commonwealth in his Proclamation, convening the General Assembly in Extraordinary Session, the members of the Senate assembled in the Senate Chamber.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) called the Senate to order at 3 o'clock, P. M., E. S. T.

The PRESIDENT. Before we take up the regular order of business of the Session, the Chair advises the visitors present that they are here only by invitation of the Senators, those people who are on the floor, and that no person will be allowed in the rooms in back of the rostrum, except Senators and such people as the Senators may invite to confer with them; that means employes and pages and everybody else; and the Chair asks your hearty cooperation on behalf of the Senate.

## PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Almighty and Ever Blessed God, Our Heavenly Father, we are met here in this initial meeting of this Extraordinary Session of our General Assembly convened by the call of Thy servant, the Governor of the Commonwealth. Since last we gathered in this chamber Thou hast kept us even though our pilgrimage may have been beset with illness and pain and trial and sorrow. Yet through these changing scenes Thou hast preserved our lives, our homes and our loved ones. For these mercies we are truly thankful.

And now we return to the tasks which await our consideration as legislators of this Commonwealth. Like the Israelites of old, we are called upon to make bricks out of straw when we have scarcely any straw, to weave fabric with scarcely any material and to bridge a deep chasm of human need with but little building material. And while we are "troubled on every side, yet are we not distressed; perplexed but not in despair; down cast but not destroyed" give us clarity of vision, definiteness of purpose and stedfastness of faith in Thee sufficient for these tasks for unto such virtues does Thou call us at all times but especially in time of direst need. Let Thy deliverance be mainfest in our midst to Thy glory and the temporal and spiritual well being of the people of our Commonwealth. Let Thy presence direct us successfully throughout this entire session. We pray in the name of Jesus, Our Elder Brother. Amen.

## ROLL CALL

The PRESIDENT. The Chief Clerk will call the roll.

The Chief Clerk called the roll and the following Senators were present:

Charles A. P. Bartlett.
Anthony Cavalcante.
Leroy E. Chapman.
Edward J. Coleman.
Montgomery F. Crowe.
Joseph P. Dando.
John H. Dent.
Anthony J. DiSilvestro.
Charles H. Ealy.
Franklin Spencer Edmonds.
W. J. Eroe, Jr.
Louis H. Farrell
Edward C. Frey.
James G. Fulton.
Frederick T. Gelder.
James A. Geltz.
Samuel L. Gilson.
John J. Haluska.
Weldon B. Heyburn.
Frederick L. Homsher.
Robert Lee Jacobs.
Howard I. James.
H. Jerome Jaspan.
A. Evans Kephart.
George Kunkel.
Henry E. Lanius.
A. H. Letzler.
Charles R. Mallery.
John J. McCreesh.
Bernard B. McGinnis.
Robert M. Miller.
G. Mason Owlett.
Henry J. Pierson.
J. Albert Reed.
John S. Rice.
Frank W. Ruth.
George B. Scarlett.
Harry Shapiro.
C. Hale Sipe.
John G. Snowden.
George B. Stevenson.
Israel Stiefel.
Oscar Jacob Tallman.
J. Fred Thomas.
John M. Walker.
George Woodward.

ABSENT

George A. Dietrick.
Leo C. Mundy.
C. Gilbert Wolfenden.

## SPECIAL ELECTION FOR SENATORS IN THE FORTY-FIFTH AND SECOND SENATORIAL DISTRICTS.

The President, as required by the Constitution and in conformity with Acts of Assembly, announced that he had issued writs for special elections to be held November 7,

1939, in the Forty-fifth Senatorial District, to fill the vacancy caused by the resignation of P. J. Henney; and in the Second Senatorial District to fill the vacancy declared to exist by resolution adopted by the Senate of Pennsylvania, May 23, 1939.

The writs were read as follows:

WRIT OF ELECTION

COMMONWEALTH OF PENNSYLVANIA: ss.

To the County Board of Elections of Allegheny County:

To Honorable S. M. R. O'Hara, Secretary of the Commonwealth of Pennsylvania:

GREETINGS: Whereas a vacancy exists in the office of Senator of the Commonwealth of Pennsylvania for the Forty-Fifth Senatorial District, within the County of Allegheny, by reason of the resignation of Honorable P. J. Henney, Senator from the said Senatorial District, and in accordance with the ruling contained in Formal Opinion, No. 276 of the Department of Justice issued by Attorney General Claude T. Reno under date of March 3, 1939.

Now, therefore, I, Samuel S. Lewis, President of the Senate, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, and by the Acts of Assembly in such case made and provided, do hereby command you: That you cause an election to be held in the said Forty-Fifth Senatorial District of the Commonwealth of Pennsylvania, on Tuesday, 7th day of November, A. D. One Thousand Nine Hundred and Thirty-Nine, to choose a person to represent said Forty-Fifth Senatorial District in the Senate of Pennsylvania for the remainder of the term expiring November 30th, One Thousand Nine Hundred and Forty, and that you give due and public notice of said election throughout the Forty-Fifth Senatorial District in form and manner directed by law.

Given under my hand and the seal of the Senate of Pennsylvania at Harrisburg, Pennsylvania, this 15th day of March, 1939.

S. S. LEWIS,
President of the Senate.

RETURN OF THE SERGEANT-AT-ARMS IN SERVING WRIT

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF ALLEGHENY } ss:

John W. Everett, being duly sworn according to law, says that he resides at Indiana, Indiana County, Pennsylvania, that he is Sergeant-at-Arms of the Senate of Pennsylvania:

That he served on the County Board of Elections of Allegheny County, on March 16th, 1939, at 11.30 o'clock A. M., at the office of said County Board of Elections of Allegheny County in the City of Pittsburgh, Allegheny County, Pennsylvania, a special writ of election for the Forty-fifth Senatorial District, within the County of Allegheny, a copy of which is hereto affixed, by command of the Honorable Samuel S. Lewis, Lieutenant-Governor of the Commonwealth and President of the Senate.

Sworn and subscribed
to this 18th day of
March, 1939.

JOHN W. EVERETT,
Sergeant-at-Arms.

Helen Craig
My Commission Expires March 9th, 1943.

SPECIAL ELECTION FOR SENATOR IN THE SECOND SENATORIAL DISTRICT

COMMONWEALTH OF PENNSYLVANIA ss:

To the County Board of Elections of Philadelphia County:

To Honorable S. M. R. O'Hara, Secretary of the Commonwealth of Pennsylvania:

GREETINGS: Whereas a vacancy exists in the office of Senator of the Commonwealth of Pennsylvania for the Second Senatorial District, within the County of Philadelphia, by reason of the Resolution adopted by the Senate of Pennsylvania on May 23, 1939, declaring that neither the contestant nor the respondent in the election contest pending for said district is legally entitled to a seat in the Senate, and that there was a failure to legally elect a Senator in said district at the election of 1938, and that a vacancy exists in said district, to be filled in the manner provided by law.

Now, therefore, I, Samuel S. Lewis, President of the Senate, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, and by the Acts of Assembly in such case made and provided, do hereby command you: That you cause an election to be held in the said Second Senatorial District of the Commonwealth of Pennsylvania, on Tuesday, the seventh day of November, A. D., One Thousand Nine Hundred and Thirty-nine, to choose a person to represent said Second Senatorial District in the Senate of Pennsylvania, for the remainder of the term expiring November thirtieth, One Thousand Nine Hundred and Forty-Two, and that you give due and public notice of said election throughout the Second Senatorial District, in form and manner directed by law.

Given under my hand and seal of the Senate of Pennsylvania at Harrisburg, Pennsylvania, this first day of June. One Thousand Nine Hundred and Thirty-nine.

SAMUEL S. LEWIS,
President of the Senate.

RETURN OF THE SERGEANT-AT-ARMS IN SERVING WRIT

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF PHILADELPHIA } ss.

John W. Everett, being duly sworn according to law, says that he resides at Indiana, Indiana County, Pennsylvania, that he is Sergeant-at-Arms of the Senate of Pennsylvania:

That he served on the County Board of Elections of Philadelphia County, on June 2nd, 1939, at 9.30 o'clock A. M., at the office of said County Board of Elections of Philadelphia County in the City of Philadelphia, Philadelphia County, Pennsylvania, a special writ of election for the Second Senatorial District, within the County of Philadelphia, a copy of which is hereto affixed, by command of the Honorable Samuel S. Lewis, Lieutenant-Governor of the Commonwealth and President of the Senate.

Sworn and subscribed
to this 7th day of
June, 1939.

JOHN W. EVERETT,
Sergeant-at-Arms.

Helen Craig
My Commission Expires March 9th, 1943.

PRESENTATION OF RETURNS OF ELECTION OF SENATORS

The Secretary of the Commonwealth being introduced presented the returns of the Special Elections held No-November 7, 1939, for Senators, which were laid upon the table.

The Secretary of the Commonwealth, Miss S. M. R. O'HARA. Mr. President, and Members of the Senate: I have the honor to present the return of the election of James G. Fulton, as Senator in the General Assembly, from the Forty-Fifth Senatorial District of Pennsylvania as the same has been certified to and filed with the Secretary of the Commonwealth of Pennsylvania by the Return Board; and at the same time, Mr. President, and Members of the Senate, I have the honor to present the return of the election of Honorable A. Evans Kephart, as a Senator, in the General Assembly, from the Second Senatorial District of Pennsylvania, comprising the sec-

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ond, third, fourth, seventh, eighth and ninth wards of the City of Philadelphia as the same has been certified and filed with the Secretary of the Commonwealth of Pennsylvania by the Return Board.

REPORT OF RETURN BOARD—FORTY-FIFTH SENATORIAL DISTRICT

OFFICE OF THE COUNTY BOARD OF ELECTIONS

COMMONWEALTH OF PENNSYLVANIA } ss:
COUNTY OF ALLEGHENY }

TO THE SECRETARY OF THE COMMONWEALTH:

We hereby certify, that the following is a true and correct statement of the returns of the votes cast at a special election held on Tuesday, November 7, 1939, to fill a vacancy in the office of Senator in the General Assembly in the Forty-fifth Senatorial District of the Commonwealth of Pennsylvania, as the same have been certified and remain on file in this office:

SENATOR IN THE GENERAL ASSEMBLY

FORTY-FIFTH DISTRICT

Democratic
John Fremont Cox
had fifty-five thousand nine hundred seven votes 55,907

Republican
James G. Fulton
had fifty-eight thousand seven hundred ninety-two votes 58,792

In Testimony Whereof, We have hereunto set our hands and seal of office this first day of December, 1939.

SAMUEL H. GARDNER
JOHN J. KENNEDY
Judges of the Court of Common Pleas of Allegheny County sitting as members of the Return Board.

Attest:
DAVID O'BRIEN, Clerk.

REPORT OF RETURN BOARD—SECOND SENATORIAL DISTRICT

COURT OF COMMON PLEAS No. 2
Judge's Chambers
390 City Hall, Philadelphia
December 6, 1939.

Secretary of the Commonwealth,
Harrisburg, Pa.

I do hereby certify that the totals of the returns of the votes cast at the Special Election, held on November 7th, 1939, for each of the candidates for the office of Senator in the General Assembly for the Second Senatorial District, comprising the 2nd, 3rd, 4th, 7th, 8th, 9th and 30th wards of the City of Philadelphia, after computation and canvassing thereof and as certified to the Secretary of the Commonwealth are as follows:

Ada H. Lewis ..... 19,030
A. Evans Kephart ..... 24,765

THEODORE ROSEN
Judge, C. P. No. 2, designated to act on Return Board.

GEO. W. GESSEY, Clerk.

OPINION FROM ATTORNEY GENERAL

The PRESIDENT. The Clerk will read the following opinion from the Attorney General:

COMMONWEALTH OF PENNSYLVANIA
Department of Justice
Harrisburg
December 12, 1939.

Honorable Samuel S. Lewis,
Lieutenant Governor,
Harrisburg, Pennsylvania.

Dear Mr. Lewis:

This will acknowledge receipt of your recent inquiry relative to the administration of the oath of office to Senator-elect A. Evans Kephart of Philadelphia county.

We have examined the provisions of Article VII of the Constitution of this Commonwealth and the Act of Assembly approved June 3, 1937, known as the Election Code, and are of the opinion that Mr. Kephart may legally take the oath of office at any time after receiving a certificate of election from the Secretary of the Commonwealth; provided, of course, the oath is administered "in the hall of the House" to which he was elected, that is the Senate. The fact that the Senate is not in session at the time the oath is administered will not affect the validity thereof.

Very truly yours,

CLAUDE T. RENO,
Attorney General.

ADMINISTRATION OF OATH OF OFFICE TO SENATORS-ELECT ON TUESDAY, DECEMBER 12, 1939.

The PRESIDENT. On Tuesday, December 12, 1939, Chief Justice Kephart of the Supreme Court administered oaths of office to Senators-Elect, A. Evans Kephart and James G. Fulton.

A stenographic record was kept of that proceeding and if there is no objection the Chair asks permission to incorporate that record in the Journal of the Senate.

The Chair hears no objection:

OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT

A. Evans Kephart
James G. Fulton
Senate Chamber—Capitol Building
Harrisburg—Pennsylvania
1:30 p. m.
Tuesday—December 12, 1939

Oath of office administered to Senator-elect A. Evans Kephart and James G. Fulton in the Senate Chamber, Capitol Building, Harrisburg, Pennsylvania, at 1:30 p. m., Tuesday, December 12, 1939.

LIEUTEANT GOVERNOR LEWIS, presiding.

The Lieutenant Governor called the assemblage to order.

THE LIEUTENANT GOVERNOR. Will the two Senators-elect take the seats assigned to them, and the families of the two Senators-elect take seats. After they have been seated I would ask that those standing in the aisles come within the rail and take such seats as are not occupied.

THE LIEUTENANT GOVERNOR. The Chair recognizes the Secretary of the Commonwealth, Miss O'Hara.

THE SECRETARY OF THE COMMONWEALTH. Your Excellency, I have the honor to present the return of the election of Honorable A. Evans Kephart as Senator in the General Assembly from the forty-fifth Senatorial district of Pennsylvania, duly certified to the office of the Secretary of the Commonwealth.

I likewise have the honor to present the return of the election of Honorable James G. Fulton as Senator in the General Assembly from the forty-fifth Senatorial district of Pennsylvania, as certified to the office of the Secretary of the Commonwealth.

CERTIFICATE OF ELECTION

In the name and by authorty of the Commonwealth of Pennsylvania:

1118276

To His Excellency the Lieutenant Governor of the Commonwealth of Pennsylvania, the President Pro Tempore and the members of the Senate of the General Assembly of the Commonwealth of Pennsylvania, greetings,

I have the honor to present the return of the election of Honorable A. Evans Kephart as Senator in the General Assembly from the second Senatorial district of Pennsylvania, comprising the 2nd, 3rd, 4th, 7th, 8th and 9th wards of the city of Philadelphia as the same has been certified and filed with the Secretary of the Commonwealth by the Return Board.

Respectfully submitted,
S. M. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary
of the Commonwealth)

COURT OF COMMON PLEAS NO. 2

Judge's Chambers
390 City Hall — Philadelphia

Theodore Rosen, Judge December 6, 1939
Secretary of the Commonwealth
Harrisburg, Pennsylvania

I do hereby certify that the totals of the returns of the votes cast at the Special Election, held on November 7, 1939, for each of the candidates for the office of Senator in the General Assembly from the second Senatorial district, comprising the 2nd, 3rd, 4th, 7th, 8th, 9th and 30th Wards of the City of Philadelphia after computation and canvassing thereof and as certified to the Secretary of the Commonwealth are as follows:

| | |
|---|---|
| Ada H. Lewis | 19,030 |
| A. Evans Kephart | 24,765 |

/s/ THEODORE ROSEN
Judge C. P. No. 2, designated to act on Return Board.

(Seal of Court of Common Pleas
Philadelphia, Pennsylvania)

Attest:
George W. Geasy
Clerk

CERTIFICATE OF ELECTION

In the name and by authority of the Commonwealth of Pennsylvania:

To His Excellency the Lieutenant Governor of the Commonwealth of Pennsylvania, the President Pro Tempore, and the members of the Senate of the General Assembly of the Commonwealth of Pennsylvania, greetings:

I have the honor to present the return of the election of Honorable James G. Fulton as Senator in the General Assembly from the Forty-fifth Senatorial district of Pennsylvania as the same has been certified to and filed with the Secretary of the Commonwealth of Pennsylvania by the Return Board.

Respectfully submitted,
S. M. O'HARA
Secretary of the Commonwealth

(Seal of the Secretary
of the Commonwealth)

OFFICE OF THE COUNTY BOARD OF ELECTIONS

COMMONWEALTH OF PENNSYLVANIA } ss:
COUNTY OF ALLEGHENY }

To the Secretary of the Commonwealth:

We hereby certify, that the following is a true and correct statement of the returns of the votes cast at a special election held on Tuesday, November 7, 1939, to fill a vacancy in the office of Senator in the General Assembly in the Forty-fifth Senatorial district of the Commonwealth of Pennsylvania, as the same had been certified and remain on file in this office:

SENATOR IN THE GENERAL ASSEMBLY
Forty-fifth District

Democratic
John Freemont Cox
had fifty-five thousand nine hundred seven votes 55,907

Republican
James G. Fulton
had fifty-eight thousand seven hundred ninety-two votes 58,792

In testimony whereof we have hereunto set our hands and seal of office this 1st day of December, 1939.

/s/ Samuel H. Gardner
/s/ John J. Kennedy
Judges of the Court of Common Pleas of Allegheny County sitting as members of the Return Board.

(Seal of Court of Common Pleas
of Allegheny County)

Attest:
David O'Brien
Clerk

THE LIEUTENANT GOVERNOR. We are assembled here today, not in Special Session but in an unusual gathering and, I might say, on an historic occasion.

Careful inquiry and search of the records has failed to reveal a similar occasion on which the Chief Justice of the Commonwealth of Pennsylvania administered the State Senator's oath of office to his son.

While it is a pleasure for me to participate in this very unusual exercise, I am not unmindful of the seriousness of the occasion and of the grave responsibility which will devolve upon Republican Senators by the accession to their ranks of these two new senators.

During the last session of the Legislature, because of the party-line make-up of the Senate membership, the Republican members found themselves handicapped, and at times unable to carry out their program and the fulfillment of their campaign pledges. This was due to the lack of the necessary constitutional majority. The taking of the required official oath by these two recently-elected senators gives the Republicans a constitutional majority. This places the responsibility for legislation squarely on the shoulders of the Republican membership.

The people of Pennsylvania now can, rightfully, and, no doubt, will hold the Republican Party responsible for the actions of the Legislature. Both branches of the Legislature now have a Republican working majority. There can be no alibi or excuse for their failure to fulfill the Party pledges as enunciated in the several planks of the 1938 Party Platform.

During the last session of the Legislature, vacancies occurred in two senatorial districts: One in the Second Senatorial District in Philadelphia County; the other in the Forty-fifth Senatorial District in Allegheny County. Pursuant to the duties imposed on, and authority vested in the Lieutenant Governor by the Constitution of Pennsylvania, I, after consulting the proper officials in the counties of Allegheny and Philadelphia, issued writs calling for a special election in both of these districts, and fixed the date thereof as November 7, 1939.

The election in both these Senatorial Districts was duly held on that day and the results thereof were filed by proper election officials with the Secretary of the Commonwealth who, in turn, in compliance with the provisions of the state statutes, transmitted same to the Lieutenant Governor, the President of the Senate. Those re-

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turns indicate that A. Evans Kephart was elected Senator from the Second Senatorial District and James G. Fulton from the Forty-fifth Senatorial District.

If Senators-elect Kephart and Fulton will present themselves in front of the bar of the Senate, the oath of office will be administered to them, in accordance with the Constitution, by the Honorable John W. Kephart, Chief Justice of the Supreme Court of Pennsylvania.

Before the oath is administered I wish to read an opinion from the Attorney General.

"Honorable Samuel S. Lewis, Lieutenant Governor, Harrisburg, Pennsylvania.

"Dear Mr. Lewis: This will acknowledge receipt of your recent inquiry relative to the administration of the oath of office to Senator-elect A. Evans Kephart of Philadelphia County.

"We have examined the provisions of Article VII of the Constitution of this Commonwealth and the Act of Assembly approved June 3, 1937, known as the Election Code, and are of the opinion that Mr. Kephart may legally take the oath of office at any time after receiving a certificate of election from the Secretary of the Commonwealth; provided, of course, the oath is administered 'in the hall of the House' to which he was elected, that is the Senate. The fact that the Senate is not in session at the time the oath is administered will not affect the validity thereof.

"Very truly yours, Claude T. Reno, Attorney General."

The oath of office was then administered to Senators-elect A. Evans Kephart and James G. Fulton by Chief Justice John W. Kephart.

CHIEF JUSTICE KEPHART: My son, as this last act of my judicial career which I shall perform with my robes of office, it is a great pleasure for me as your father, in the presence of our good Governor, and this assemblage here today, to administer to you the oath of office as a Senator of this Commonwealth.

I shall charge both of you boys that you are entering on a very solemn duty. This is a high office that you have been elected to by the people of your respective communities and they demand from you the fullest of your capacities and ability.

You should remember the oath of office as it has just been administered to you, that you will support and defend the Constitution of the United States and the Constitution of this Commonwealth.

More than ever today do we need men in public office that will observe that oath. Too many are going by the wayside and flaunting the Constitution of the United States, possibly of our Commonwealth. It is the duty of both of you to observe that part of your oath. You must serve your fellow countrymen with zeal and fidelity. Perform your duties as true American citizens and your constituents will have no regret for having sent you to this distinguished body, and certainly, my boy, your Mother and your Father will look on you with honor and pride.

THE LIEUTENANT GOVERNOR. The minutes of this meeting will be transcribed and presented to the next session of the Senate, and permission requested to incorporate them into the Journal of the Senate.

The two Senators who have just been sworn in will affix their signatures to the oath.

Senators Kephart and Fulton signed the Oath Book.

THE LIEUTENANT GOVERNOR declared the assemblage adjourned.

## LETTER OF RESIGNATION FROM FORMER SENATOR THOMAS E. KILGALLEN TOGETHER WITH REPLY THERETO BY LIEUTENANT-GOVERNOR SAMUEL S. LEWIS

The PRESIDENT. The Clerk will read the letter of resignation from former Senator Thomas E. Kilgallen, dated January 15, 1940, as well as the reply of the Chair thereto, dated January 23, 1940.

COUNCIL OF THE CITY OF PITTSBURGH

Pittsburgh, Penna., January 15, 1940

Hon. Samuel Lewis,
Office of the Lieutenant-Governor
Harrisburg, Pennsylvania

My dear Governor:

I hereby tender my resignation as State Senator in the 43rd Senatorial District, effective as of the above date.

Sincerely,
Thomas E. Kilgallen

January 23, 1940

Honorable Thomas E. Kilgallen
Council of the City of Pittsburgh,
Pittsburgh, Pennsylvania.

My dear Senator Kilgallen:

This is to acknowledge receipt of yours of January 15, 1940, wherein you tender your resignation as State Senator in the 43rd Senatorial District, effective as of January 15, 1940.

The law seems to be hazy as to just whom the resignation should be addressed, however, as you have tendered same both to the President Pro Tempore and myself as President of the Senate, I am of the opinion that you have done everything that is required. I have been unable to find any authority where it is necessary to have a Senator's resignation accepted, or authority vested in any person to accept same.

In order that proper record may be had of your resignation, both the one addressed to Senator Gelder, as President Pro Tempore, and me, as President of the Senate, will be incorporated in the Journal of the Senate.

Yours very truly,
S. S. LEWIS

## RESIGNATION OF SENATOR THOMAS E. KILGALLEN

The PRESIDENT. In connection with the resignation of Senator Thomas E. Kilgallen it may be well for the Chair to make an explanation. Because of existing conditions, the Forty-Third Senatorial District, within the County of Allegheny, will not be represented for a number of months. Under the Constitution it is mandatory on the part of the presiding officer, the Lieutenant-Governor in the Senate, to issue a writ within ten days from the time of the occurrence of the vacancy, but the Act of 1937 really tied the hands of the presiding officer, in that he could only issue a writ after or if the Senate was in session, or if a Special Session was called. In order to avoid additional unnecessary expense on the County of Allegheny, the Chair communicated with the County Commissioners of Allegheny County and pointed out that the Chair was unable to issue a writ before that time and that if the calculations of those who were in charge of the Special Session were carried out the Special Session will have adjourned before the election, so the County Commissioners of Allegheny County suggested November 5, 1940 as the time of holding the special election.

The Chair makes the above by way of explanation and the Clerk will now read the writ in the case of the resignation of Senator Thomas E. Kilgallen and also the return of service of said writ.

WRIT OF ELECTION

COMMONWEALTH OF PENNSYLVANIA: ss

To the County Board of Eections of Allegheny County.

To Honorable S. M. R. O'Hara, Secretary of the Commonwealth of the Commonwealth of Pennsylvania:

GREETINGS: Whereas a vacancy exists in the office of Senator of the Commonwealth of Pennsylvania for the Forty-third Senatorial District, within the County of Allegheny, by reason of the resignation of Honorable Thomas E. Kilgallen, member of the Senate of the Commonwealth of Pennsylvania from said Senatorial District:

Now, therefore, I, Samuel S. Lewis, President of the Senate, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania, and by the Act of Assembly in such case made and provided, do hereby command you:

That you cause an election to be held in the said Forty-Third Senatorial District of the Commonwealth of Pennsylvania on the fifth day of November A. D., One Thousand Nine Hundred and Forty, to choose a person to represent said Forty-Third Senatorial District in the Senate of Pennsylvania, for the remainder of the term expiring November thirtieth, One Thousand Nine Hundred and Forty, and that you give due and public notice of said election throughout the said Forty-Third Senatorial District, in form and manner directed by law.

Given under my hand and seal of the Senate of Pennsylvania at Harrisburg, Pennsylvania, this thirtieth day of April, A. D., One Thousand Nine Hundred and Forty.

SAMUEL S. LEWIS
President of the Senate

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF DAUPHIN } ss

Before me the undersigned authority personally appared John W. Everett, who, being first duly sworn according to law, deposes and says that he is a resident of Indiana, Indiana County, Pennsylvania; that he is Sergeant-at-Arms of the Senate of Pennsylvania; and that, on May 2d, 1940, at 12:30 o'clock P. M., at the office of the Secretary of the Commonwealth, in the City of Harrisburg, Dauphin, County Pennsylvania, he served on Honorable S. M. R. O'Hara, Secretary of the Commonwealth, a Writ of Election for the Forty-Third Senatorial District, within the County of Allegheny, a copy of which is hereto affixed, by command of the Honorable Samuel S. Lewis, Lieutenant-Governor of the Commonwealth and President of the Senate.

Sworn and subscribed
to this 4th day of
May, A. D., 1940.

JOHN W. EVERETT
Sergeant-at-Arms

A. B. Ansley
Prothonotary

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF DAUPHIN } ss

Before me the undersigned authority personally appeared John W. Everett, who, being first duly sworn according to law, deposes and says that he is a resident of Indiana, Indiana County, Pennsylvania; that he is Sergeant-at-Arms of the Senate of Pennsylvania; and that, on May 3rd, at 12:30 o'clock, P. M., he served on the County Board of Elections of Allegheny County, at its office in the City of Pittsburgh, Allegheny County, Pennsylvania, a Writ of Election for the Forty-Third Senatorial District, within the County of Allegheny, a copy of which is hereto affixed, by command of the Honorable Samuel S. Lewis, Lieutenant-Governor of the Commonwealth and President of the Senate.

Sworn and subscribed
to this 4th day of
May, A. D., 1940.

JOHN W. EVERETT
Sergeant-at-arms

A. B. Ansley
Prothonotary

COMMITTEE FROM HOUSE INFORMING THE SENATE HOUSE IS IN SESSION

A Committee on the part of the House of Representatives being introduced informed the Senate that the House of Representatives is in Session pursuant to the call of His Excellency, the Governor of the Commonwealth, and is ready to proceed with the duties of the Session.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 30, 1940.

THE GOVERNOR.

I am enclosing for your official information a copy of my Proclamation convening an Extraordinary Session of the General Assembly on Monday, May 6, 1940, at 3 P. M., Eastern Standard Time.

Sincerely yours,
Arthur H. James

Hon. Samuel S. Lewis
Lieutenant-Governor
Harrisburg, Pennsylvania

PROCLAMATION OF THE GOVERNOR

THE PRESIDENT. The Clerk will read the Proclamation of the Governor.

The Clerk read the Proclamation of the Governor as follows:

In the Name and by Authority of the
COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
Proclamation

By virtue of the authority vested in me by Article IV, Section 12 of the Constitution, I, Arthur H. James, Governor of the Commonwealth of Pennsylvania, do hereby convene the General Assembly in Extraordinary Session to meet in the Capitol, at Harrisburg, on Monday, May sixth, one thousand nine hundred forty, at three o'clock, post meridian (Eastern Standard Time) of that day, to consider legislation upon the following subjects:

1. Appropriations for payment of public assistance and for payment of administrative, auditing and disbursement expenses relating thereto.
2. Appropriation to provide aid to financially handicapped school districts.
3. Appropriations to pay the expenses of the Extraordinary Session of the General Assembly.
4. Appropriation to the Joint State Government Commission for the continuance of its work.
5. In order to make funds available in the General Fund to meet the appropriations mentioned above, legislation providing for:

(a) The transfer of moneys to the General Fund from various special funds in the State Treasury and the subsequent reimbursement of such special funds out of the General Fund;

(b) Reductions in such appropriations made by the General Assembly at its session of one thousand nine hundred thirty-nine as may be practicable.

6. Legislation necessary to conform the provisions of the Unemployment Compensation Law to the new definition of "wages" contained in the provisions of the Fed-

eral Internal Revenue Code, as amended, which now relate to, and impose, the Federal Unemployment Tax.

7. Legislation necessary to conform the provisions of the Public Assistance Law to the new definition of the term "dependent children" contained in Title IV of the Federal Social Security Act, as amended.

8. Legislation necessary to permit the Pennsylvania Turnpike Commission to construct a turnpike from a point at or near Middlesex, in Cumberland County, to the Delaware River, at or near Philadelphia, and to issue turnpike revenue bonds, payable solely from tolls, to pay the cost of such construction.

9. Legislation providing for the transfer of such moneys from the Veterans' Compensation Fund to the Sinking Fund as may be available to meet the interest and Sinking Fund requirements of the Veterans' Compensation Bonds issued under authority of the act, approved the fifth day of January, one thousand nine hundred thirty-four (1933-1934, P. L. 219), as amended.

10. Legislation necessary to permit the Department of Property and Supplies to supervise and operate the Northwest Office Building, now occupied by the Pennsylvania Liquor Control Board.

11. An amendment to the Pennsylvania Election Code to provide for the filling of vacancies occurring in the membership of either branch of the General Assembly when it is not in session, or has not been called into Extraordinary Session.

GIVEN under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-ninth day of April, in the year of our Lord, one thousand nine hundred forty, and of the Commonwealth the one hundred sixty-fourth.

ARTHUR H. JAMES

By the Governor:
S. M. O'Hara
Secretary of the Commonwealth

He also being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

COMMONWEALTH OF PENNSYLVVANIA

Governor's Office
Harrisburg

May 6, 1940

To the Honorable, the General Assembly
of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I should like to address the members in Joint Session this evening, at eight o'clock, Eastern Standard Time.

ARTHUR H. JAMES

REPORT OF PHILADELPHIA SAVING FUND SOCIETY

The Chair cleared its table and laid before the Senate report of Philadelphia Saving Fund Society, for the calendar year 1939.

The PRESIDENT. The report will be printed in the Senate Journal.

REPORT OF THE SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY

The Chair cleared its table and laid before the Senate the Eighty-fifth annual statement of the Saving Fund Society of Germantown and its vicinity.

The PRESIDENT. The statement will be printed in the Senate Journal

REPORT OF THE LEHIGH COAL AND NAVIGATION COMPANY

The Chair cleared its table and laid before the Senate report of the Lehigh Coal and Navigation Company for the calendar year 1939.

The PRESIDENT. The Report will be printed in the Senate Journal.

REPORT OF THE DELAWARE RIVER JOINT COMMISSION

The Chair cleared its table and laid before the Senate report of the Delaware River Joint Commission for the calendar year of 1939.

The PRESIDENT. The report will be printed in the Senate Journal.

REPORT OF THE AUDIT OF THE ACCOUNTS OF THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA

The Chair cleared its table and laid before the Senate the Thirty-ninth Annual Report of the Audit of the Accounts of the Western Saving Fund Society of Philadelphia.

The PRESIDENT. The report will be printed in the Senate Journal.

PRESIDENT PRO-TEMPORE TO APPOINT STANDING AND SPECIAL COMMITTEES

Mr. PIERSON offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 6, 1940.

Resolved, That the President Pro Tempore of the Senate be authorized to appoint all special and standing committees of the Senate during the Extraordinary Session and shall be ex-officio a member of all standing, special and joint legislative committees.

NOTIFICATION TO THE HOUSE

Mr. MILLER offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 6, 1940

Resolved, That a committee of three be appointed to inform the House of Representatives that the Senate is now in session and ready to proceed to business.

The PRESIDENT. The Chair announces that the President Pro Tempore has appointed as said Committee the Senator from Luzerne, Mr. Miller, the Senator from Allegheny, Mr. Walker, and the Senator from Lackawanna, Mr. Coleman.

COMMITTEE TO NOTIFY THE GOVERNOR

Mr. MALLERY offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 6, 1940.

Resolved, That a Committee of three members of the Senate be appointed to wait upon His Excellency, the Governor and inform him that the Senate is convened in Extraordinary Session in conformity with the Proclamation of April 29, 1940, and is ready to receive any communications he may have to make.

The PRESIDENT. The Chair announced that the President Pro Tempore has appointed as said Committee, the Senator from Blair, Mr. Mallery, the Senator from Clearfield, Mr. Letzler, and the Senator from Philadelphia, Mr. Shapiro.

ADOPTION OF RULES

Mr. TALLMAN offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 6, 1940.

Resolved, That the standing rules of the Senate during

the Regular Session of 1939 be adopted for the government of the Senate for the present Extraordinary Session.

DISPOSITION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Mr. SNOWDEN offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 6, 1940.

Resolved, That all petitions, memorials and remonstrances be presented by handing the same to the Chief Clerk properly endorsed with the name thereon, in accordance with the practice of the last Regular Session.

POSTAGE ON LEGISLATIVE JOURNAL

Mr. HOMSHER offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 6, 1940.

Resolved (if the House of Representatives concur), that the Chief Clerks of the Senate and the House of Representatives make arrangements for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and the Appropriations Committee provide for the cost of the same in the bill providing for the expenses of the Extraordinary Session.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

AUTHORIZING PAYMENT OF SALARIES OF MEMBERS OF THE GENERAL ASSEMBLY

Mr. GELTZ offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 6, 1940.

Resolved (if the House of Representatives concur), That the State Treasurer be and is hereby authorizd to pay on warrant of the Auditor General to each member of the General Assembly the sum of $250.00 on account of the salary, and $50.00 in postage to which each member is entitled for an Extraordinary Session of the General Assembly by virtue of the provisions of the Act of Assembly approved the 2nd day of June, A. D. 1933, P. L. 1422, and as amended by Act of Assembly approved the 28th day of May, A. D. 1937, P. L. 999, and the balance of said salary on the day of final adjournment of the Extraordinary Session of the General Assembly, convened in session on call of the Governor, April 29, 1940.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

SALARIES OF OFFICERS AND EMPLOYES

Mr. STEVENSON offered the following resolution, which was twice read, considered and agreed to:

In the Senate, May 6, 1940.

Resolved, That the Chief Clerk of the Senate approve orders for the payment of salaries and wages only to such officers and employes of the Senate as are specifically authorized by law and who actually perform the duties of the positions to which they have been elected or appointed.

## BILL INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 1, entitled:

A Joint Resolution proposing an amendment to article five of the Constitution of the Commonwealth of Pennsylvania, by adding thereto section twenty-eight providing for one general court of common pleas.

This bill proposes an amendment to the Constitution—an excellent one.

Which was committed to the Committee on State Government.

RESOLUTION URGING ADEQUATE RELIEF FOR UNEMPLOYED

The PRESIDENT. The Chair announces the receipt of the following resolution and instructs that it be incorporated in the Journal.

## RESOLUTION

Adopted May 1st, May Day Demonstration, Reyburn Plaza, 3 P. M., Philadelphia, Penna.

SPECIAL SESSION OF THE STATE LEGISLATURE

Whereas, There are one million unemployed in our State and,

Whereas, relief is running out and WPA jobs are being cut down.

Therefore, Be it resolved that we call upon the Special Session of the Seate Legislature to appropriate adequate relief for the unemployed and be it further resolved that the standard of relief for all unemployed shall be set at the minimum necessary to maintain a decent American standard of living.

REPORT OF COMMITTEE OF NOTIFICATION TO THE GOVERNOR

Mr. MALLERY. Mr. President, the Committee appointed by the Senate to notify His Excellency, the Governor, that the Senate is now in Session reports that they have completed their mission, and that the Governor stated he hopes we will enjoy the Session and that it will be brief.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

REPORT OF COMMITTEE OF NOTIFICATION TO THE HOUSE OF REPRESENTATIVES

Mr. MILLER. Mr. President, The Committee appointed by the Senate to notify the House of Representatives that the Senate is duly organized and ready to proceed to business desires to report that it has performed that duty.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

## NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor, Mr. Pedigo, being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, Pa., May 6, 1940.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

SECRETARY OF BANKING

John C. Bell, Jr., Philadelphia, from October 12, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

COMMISSIONER OF THE PENNSYLVANIA MOTOR POLICE

Lynn G. Adams, Harrisburg, from May 31, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

SUPERINTENDENT OF PUBLIC INSTRUCTION

Francis B. Haas, Bloomsburg, from August 23, 1939, for a term of four years.

MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ralph W. Thorne, Williamsport, from July 12, 1939, for the residue of the term ending April 1, 1949.

MEMBERS OF THE ADVISORY HEALTH BOARD

George Morris Piersol, Philadelphia, from February 1, 1940, until the third Tuesday of January, 1943,, until his successor shall have been appointed and qualified.

David Thomas, Lock Haven, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

William Gray, Turnbull, Philadelphia, from February 1, 1940, until the third Tuesday of January, 1943, until his successor shall have been appointed and qualified.

Donald Guthrie, Sayre, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Archibald Nance, Pittsburgh, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Ivor Griffith, Philadelphia, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

Wm. A. Pearson, Narberth, from July 25, 1939, for the term of four years and until his successor is qualified.

Walter W. Seibert, Easton, from July 25, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Marion Etter, Bethlehem, from July 25, 1939, for the term of four years and until her successor is qualified.

Kenneth Weston, Allentown, from July 25, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Marian K. Steckel, Allentown, from July 25, 1939, for the term of four years and until her successor is qualified.

Louis P. Neuweiler, Allentown, from July 25, 1939, for the term of four years and until his successor is qualified.

Victor Schmidt, Allentown, from July 25, 1939, for the term of four years and until his successor is qualified.

John C. Shumberger, Sr., Allentown, from July 25, 1939, for the term of four years and until his successor is qualified.

J. Edward Durham, Jr., Allentown, from July 25, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF ARBITRATION OF CLAIMS

Lorrie R Holcomb, Chairman, Wilkes-Barre, from April 9, 1940, until July 21, 1943, and until his successor shall be duly appointed and qualified.

Norman S. Sprague, Pittsburgh, from April 9, 1940, until July 21, 1945, and until his successor shall be duly appointed and qualified.

Paul L. Brogan, Glenolden, from April 9, 1940, until July 21, 1941, and until his successor shall be duly appointed and qualified.

MEMBERS OF THE STATE BOARD OF EXAMINERS OF ARCHITECTS

Charles T. Ingham, Pittsburgh, from February 19, 1940, for the term of six years and until his successor is appointed and qualified.

Edmund R. Purves, Media, from February 19, 1940, for the term of six years and until his successor is appointed and qualified.

Frederick A. Muhlenberg, Reading, from February 19, 1940, for the term of six years and until his successor is appointed and qualified.

Clement S. Kirby, Erie, from February 19, 1940, for the term of six years and until his successor is appointed and qualified.

M. Edwin Green, Lemoyne, from February 19, 1940, for the term of six years and until his successor is appointed and qualified.

MEMBER OF THE STATE ART COMMISSION

Warren Powers Laird, Philadelphia, from September 7, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF ASHLAND STATE HOSPITAL

Elmer McSurdy, Buck Run, from December 28, 1939, for the term of four years and until his successor is qualified.

Charles Rice, Gordon, from December 28, 1939, for the term of four years and until his successor is qualified.

Andrew Wolfgang, Lavelle, from December 28, 1939, for the term of four years and until his successor is qualified.

J. L. Hoffman, Ashland, from December 28, 1939, for the term of four years and until his successor is qualified.

Ray Delbridge, Girardville, from December 28, 1939, for the term of four years and until his successor is qualified.

Bert E. Stitzer, Aristes, from December 28, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Emilie P. Aston, Centralia, from December 28, 1939, for the term of four years and until her successor is qualified.

MEMBERS OF THE BANKING BOARD

C. S. Newhall, Philadelphia, from February 15, 1940, until September 1, 1945, and until his successor is duly appointed and qualified.

George R. Howell, Reading, from February 15, 1940, until September 1, 1947, and until his successor is duly appointed and qualified.

Douglas R. Faith, Chester, from February 15, 1940, until September 1, 1945, and until his successor is duly appointed and qualified.

Ira W. Barnes, Philadelphia, from February 15, 1940, until September 1, 1947, and until his successor is duly appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF BLOSSBURG STATE HOSPITAL

Benjamin Rogers, Westfield, from October 31, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Cora Tucker, Knoxville, from October 31, 1939, for the term of four years and until her successor is qualified.

Elmer G. Carson, Wellsboro, from October 31, 1939, for the term of four years and until his successor is qualified.

Milton Barden, Mansfield, from October 31, 1939, for the term of four years and until his successor is qualified.

Robert S. Irving, Ogdensburg, from October 31, 1939, for the term of four years and until his successor is qualified.

John H. Turner, Wellsboro, from October 31, 1939, for the term of four years and until his successor is qualified.

John Gray, Arnot, from October 31, 1939, for the term of four years and until his successor is qualified.

John Isben, Blossburg, from October 31, 1939, for the term of four years and until his successor is qualified.

William F. White, Wellsboro, from January 29, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BUILDING AND LOAN BOARD

Joshua W. Swartz, Harrisburg, from February 15, 1940, until September 1, 1947, and until his successor is duly appointed and qualified.

S. L. Caum, Bethlehem, from February 15, 1940, until September 1, 1941, and until his successor is duly appointed and qualified.

William E. Best, Pittsburgh, from February 15, 1940, until September 1, 1943, and until his successor is duly appointed and qualified.

Joseph K. Coxe, Philadelphia, from February 15, 1940, until September 1, 1941, and until his successor is duly appointed and qualified.

George L. Transue, Easton, from February 15, 1940, until September 1, 1943, and until his successor is duly appointed and qualified.

Norman E. Clark, New Castle, from February 15, 1940, until September 1, 1945, and until his successor is duly appointed and qualified.

Pearce M. Gabell, Philadelphia, from February 15, 1940, until September 1, 1945, and until his successor is duly appointed and qualified.

Frank W. Harris, Jr., Secane, from March 21, 1940, until September 1, 1947, and until his successor is duly appointed and qualified.

MEMBER OF THE PENNSYLVANIA STATE BOARD OF CENSORS

(Mrs.) Lucy H. Love, Johnstown, from December 27, 1939, until the third Tuesday of January 1943, and until her successor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF CHENEY TRAINING SCHOOL FOR TEACHERS

C. Milbourne Smith, Sharon Hill, from January 24, 1940 for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF COALDALE STATE HOSPITAL

Thomas D. Lewis, Lansford, from September 25, 1939, for the term of four years and until his successor is qualified.

William J. Hatrick, Mauch Chunk, from September 25, 1939, for the term of four years and until his successor is qualified.

Robert Gormley, Summit Hill, from September 25, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Mary K. Young, Lansford, from September 25, 1939, for the term of four years and until her successor is qualified.

John Harris, Tamaqua, from September 25, 1939, for the term of four years and until his successor is qualified.

John West, Tamaqua, from September 25, 1939, for the term of four years and until his successor is qualified.

William Clements, Coaldale, from September 25, 1939, for the term of four years and until his successor is qualified.

Arthur Snyder, Tamaqua, from September 25, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Maud Boltz, Pottsville, from September 25, 1939, for the term of four years and until her successor is qualified.

MEMBERS OF THE COMMISSION TO EXAMINE AND REPORT UPON THE ECONOMIC, CULTURAL, HEALTH AND LIVING CONDITIONS OF THE URBAN COLORED POPULATION OF THE STATE

Richard P. Brown, Philadelphia, from January 22, 1940, until annulled.

R. Maurice Moss, Pittsburgh, from January 22, 1940, until annulled.

(Mrs.) S. Willie Layten, Philadelphia, from January 22, 1940, until annulled.

MEMBERS OF THE BOARD OF TRUSTEES OF CONNELLSVILLE STATE HOSPITAL

Meyer Aaron, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

Harry G. Brown, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

William J. Davidson, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

Philip Galiardi, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

Daniel Durie, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

James J. Driscoll, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

Harry Geibel, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

W. J. B. Mayo, Melcroft, from October 5, 1939, for the term of four years and until his successor is qualified.

Fenton O. Keister, Scottdale, from October 5, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL

Robert Grone, Danville, from January 23, 1940, for the term of four years and until his successor is qualified.

David J. Reese, Danville, from January 23, 1940, for the term of four years and until his successor is qualified.

Elmer E. Beers, Bloomsburg, from January 23, 1940, for the term of four years and until his successor is qualified.

Frank Strite, Williamsport, from January 23, 1940, for the term of four years and until his successor is qualified.

I. M. Witt, Montoursville, from January 23, 1940, for the term of four years and until his successor is qualified.

George Scott, Mt. Carmel, from January 23, 1940, for the term of four years and until his successor is qualified.

Frank M. Haas, Sunbury, from January 23, 1940, for the term of four years and until his successor is qualified.

Edward F. Price, Danville, from January 29, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

A. R. Granger, Upland, from September 14, 1939, for the term of four years, and until his successor is appointed and qualified.

Paul Carey, Chester, from September 14, 1939, for the term of four years, and until his successor is appointed and qualified.

John S. Roberts, Jr., Bristol, from September 14, 1939, for the term of four years, and until his successor is appointed and qualified.

MEMBERS OF THE DELAWARE RIVER JOINT COMMISSION

Thomas B. Smith, Glenside, from June 1, 1939, for the term of five years and until his successor shall have been appointed and qualified.

J. Willison Smith, Philadelphia, from June 1, 1939, for the term of five years and until his successor shall have been appointed and qualified.

Richard Weglein, Philadelphia, from June 1, 1939, for the term of five years and until his successor shall have been appointed and qualified.

William H. Folwell, Merion, from June 1, 1939, for the term of five years and until his successor shall have been appointed and qualified.

MEMBER OF THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

Alexander R. Miller, Easton, from October 23, 1939, until annulled.

MEMBER OF THE STATE DENTAL COUNCIL AND EXAMINING BOARD

W. A. McCready, Pittsburgh, from August 30, 1939, for the term of six years and until his successor is appointed and qualified.

A. M. Stinson, Stewartstown, from August 30, 1939, for the term of six years and until his successor is appointed and qualified.

Andrew J. Heffernan, Wilkes-Barre, from August 30, 1939, for the term of six years and until his successor is appointed and qualified.

R. E. Black, Huntingdon, from August 30, 1939, for the

term of six years and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS COLLEGE

Gordon E. Ulshafer, Nesquehoning, from June 13, 1939, for the term of four years and until his successor is qualified.

Arthur W. Pennington, Pen Argyl, from June 13, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Gladys Arnold, Stroudsburg, from June 13, 1939, for the term of four years and until her successor is qualified.

Martin Stiles Baldwin, Stroudsburg, from June 13, 1939, for the term of four years and until his successor is qualified.

Russell C. Hughes, East Stroudsburg, from June 13, 1939, for the term of four years and until his successor is qualified.

Russell E. Jones, Stroudsburg, from June 13, 1939, for the term of four years and until his successor is qualified.

Joseph P. Flanagan, Wilkes-Barre, from June 13, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF EASTERN STATE PENITENTIARY

Herbert M. Goddard, Philadelphia, from November 8, 1939, for the term of four years and until his successor is qualified.

Henry G. Brock, Muncy, from April 16, 1940, for the term of four years and until his successor is qualified.

Louis N. Robinson, Swarthmore, from April 16, 1940, for the term of four years and until his successor is qualified.

Matthew A. Roth, Philadelphia, from April 16, 1940, for the term of four years and until his successor is qualified.

David E. Watson, Philadelphia, from April 16, 1940, for the term of four years and until his successor is qualified.

W. Atlee Burpee, Jr., Philadelphia, from April 16, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF EDINBORO STATE TEACHERS COLLEGE

Frank L. LaBounty, Edinboro, from September 5, 1939, for the term of four years and until his successor is qualified.

Joseph J. Desmond, Corry, from September 5, 1939, for the term of four years and until his successor is qualified.

N. A. Carlson, Erie, from September 5, 1939, for the term of four years and until his successor is qualified.

Hugh C. Lord, Erie, from September 5 1939, for the term of four years and until his successor is qualified.

William P. Rose, ambridge Springs, from September 5, 1939, for the term of four years and until his successor is qualified.

Clyde S. Knapp, Warren, from September 5, 1939, for the term of four years and until his successor is qualified.

John K. Earp, Oil City, from September 5, 1939, for the term of four years and until his successor is qualified.

J. Floyd McClymonds, Grove City, from October 2, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE STATE COUNCIL OF EDUCATION

John J. Sullivan, Philadelphia, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

Donald L. Helfferich, Lansdowne, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

(Miss) Elsie M. Heckman, Allentown, from March 28, 1940, for the term of six years and until her successor is appointed and qualified.

Herbert J. Stockton, Johnstown, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

W. Floyd Clinger, Warren, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

Marcnus Aaron, Pittsburgh, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

Miles Horst, Palmyra, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

Robert C. Shaw, Camp Hill, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

G. Morris Smith, Selinsgrove, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

MEMBERS OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS

Andrew B. Crichton, Johnstown, from February 9, 1940, for the term of six years and until his successor is appointed and qualified.

George S. Richardson, Pittsburgh, from February 9, 1940, for the term of six years and until his successor is appointed and qualified.

MEMBERS OF THE PENNSYLVANIA STATE PARK AND HARBOR COMMISSION OF ERIE

Adrian J. Collins, Erie, from May 31, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

James Albert Bougie, Erie, from May 31, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Charles A. Bates, Erie, from May 31, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Robert W. Parker, Erie, from May 31, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John J. Flynn, Erie, from May 31, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE FARM PRODUCTS SHOW COMMISSION

Harry Snavely, Willow Street, from September 5, 1939, for the term of four years, and until his successor is qualified.

George Slocum, Milton, from September 5, 1939, for the term of four years, and until his successor is qualified.

C. E. Cassel, Hershey, from September 5, 1939, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Fred Jones, Scranton, from February 1, 1940, for the term of four years and until his successor is qualified.

Walter Bartholomay, Carbondale, from February 1, 1940, for the term of four years and until his successor is qualified.

Lewis A. Howell, Honesdale, from February 1, 1940, for the term of four years and until his successor is qualified.

E. A. Katz, Honesdale, from February 1, 1940, for the term of four years and until his successor is qualified.

Asa B. Martin, Milford, from February 1, 1940, for the term of four years and until his successor is qualified.

Charles H. Ainey New Milford, from February 1, 1940, for the term of four years and until his successor is qualified.

Theodore Piatkowski, Forest City, from February 1, 1940, for the term of four years and until his successor is qualified.

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

Ross L. Leffler, McKeesport, from January 8, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

George W. Reily, Harrisburg, from March 13, 1940, for the term of four years and until his successor is qualified.

George R. Bailey, Harrisburg, from March 13, 1940, for the term of four years and until his successor is qualified.

Spencer G. Hall, Harrisburg, from March 13, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Margaret L. McCreath, Harrisburg, from March 13, 1940, for the term of four years and until her successor is qualified.

(Mrs.) Mary P. Hardy, Harrisburg, from March 13, 1940, for the term of four years and until her successor is qualified.

James Rudisill, York, from March 13, 1940, for the term of four years and until his successor is qualified.

W. P. Dailey, Steelton, from March 13, 1940, for the term of four years and until his successor is qualified.

William C. Freeman, Cornwall, from March 13, 1940, for the term of four years and until his successor is qualified.

George E. Lloyd, Mechanicsburg, from March 13, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

Walter H. Dietrich, Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

W. S. Carter, West Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

Jonah Evans, Freeland, from August 24, 1939, for the term of four years and until his successor is qualified.

Stephen Pavlovich, Eckley, from August 24, 1939, for the term of four years and until his successor is qualified.

Peter Hartenstein, West Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

George B. Markle, Jr., Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

Edward J. Gormley, Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

Charles L. Wilde, Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE PENNSYLVANIA HISTORICAL COMMISSION

(Miss) Frances Dorrance, Wilkes-Barre, from January 19, 1940, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Edward R. Barnsley, Newtown, from January 19, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Gregg L. Neel, Pittsburgh, from January 19, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Ross Pier Wright, Erie, from January 19, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Roy Franklin Nichols, Swarthmore, from April 24, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified,

MEMBER OF THE BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

(Mrs.) Jennie S. Reed, Indiana, from May 31, 1939, for the term of four years and until her successor is qualified.

MEMBERS OF THE PENNSYLVANIA LABOR RELATIONS BOARD

Harry Gifford, Reiffton, from June 9, 1939, until June 2, 1945, and until his successor is qualified.

William L. Dickel, Upper Darby, from July 14, 1939, until June 2, 1941, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF LAURELTON STATE VILLAGE

Roy R. Finkle, Mifflinburg, from February 27, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Anna M. R. Horlacher, New Berlin, from February 27, 1940, for the term of four years and until her successor is qualified.

Harold T. Garard, Lewisburg, from February 27, 1940, for the term of four years and until his successor is qualified.

Harry C. Seebold, Sunbury, from February 27, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Martha Shuman, Northumberland, from February 27, 1940, for the term of four years and until her successor is qualified.

Fred W. Maue, Shamokin, from February 27, 1940, for the term of four years and until his successor is qualified.

Ralph Witmer, Selinsgrove, from February 27, 1940, for the term of four years and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF MANSFIELD STATE TEACHERS COLLEGE

Thomas A. Crichton, Wellsboro, from June 16, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE STATE BOARD OF MEDICAL EDUCATION AND LICENSURE

C. J. Hemminger, Somerset, from February 9, 1940, for the term of four years and until his successor is appointed and qualified.

John E. James, Philadelphia, from February 9, 1940, for the term of four years and until his successor is appointed and qualified.

Charles L. Shafer, Kingston, from February 9, 1940, for the term of four years and until his successor is appointed and qualified.

Irvin D. Metzger, Pittsburgh, from February 9, 1940, for the term of four years and until his successor is appointed and qualified.

MEMBER OF THE MILK CONTROL COMMISSION

John M. McKee, Crafton, from June 13, 1939, until May 1, 1945, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF NANTICOKE STATE HOSPITAL

W. E. Weinick, Nanticoke, from January 31, 1940, for the term of four years and until his successor is qualified.

David Girvan, Nanticoke, from January 31, 1940, for the term of four years and until his successor is qualified.

A. M. Thomas, Alden, from January 31, 1940, for the term of four years and until his successor is qualified.

Herbert Pearson, Wilkes-Barre, from January 31, 1940, for the term of four years and until his successor is qualified.

Baden Thomas, Nanticoke, from January 31, 1940, for the term of four years and until his successor is qualified.

William Anderson, Shickshinny, from January 31, 1940, for the term of four years and until his successor is qualified.

Zigmund Butkiewicz, Nanticoke, from January 31, 1940, for the term of four years and until his successor is qualified.

Edward Makowski, Nanticoke, from January 31, 1940, for the term of four years and until his successor is qualified.

Carl Sachs, Mountaintop, from January 31, 1940, for the term of four years and until his successor is qualified.

MAJOR GENERAL, PENNSYLVANIA NATIONAL GUARD

Edward Martin, Washington, from June 26, 1939, until lawfully determined and annulled.

Edward James Stackpole, Jr., Harrisburg, from February 23, 1940, until lawfully determined and annulled.

MEMBERS OF THE BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL

George W. Miller, Norristown, from June 26, 1939, for the term of four years and until his successor is qualified.

(Miss) Nancy P. Highley, Norristown, from June 26, 1939, for the term of four years and until her successor is qualified.

E. Leidy Brendlinger, Norristown, from June 26, 1939, for the term of four years and until his successor is qualified.

Aaron L. Ruth, Conshohocken, from June 26, 1939, for the term of four years and until his successor is qualified.

George Birdsall Passmore, Oxford, from June 26, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Esther Lee Wolbert, Philadelphia, from June 26, 1939, for the term of four years and until her successor is qualified.

(Mrs.) Rhoda Reath Crooks, Norwood, from June 26, 1939, for the term of four years and until her successor is qualified.

(Mrs.) Kathryn A. Gottshalk, Perkiomenville, from June 26, 1939, for the term of four years and until her successor is qualified.

Samuel K. McConnell, Jr., Philadelphia, from June 26, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE STATE BOARD OF EXAMINERS FOR THE REGISTRATION OF NURSES

(Miss) Emma S. Ballamy, Wilkes-Barre, from December 27, 1939, for the term of six years and until her successor is appointed and qualified.

(Miss) Loretta M. Johnson, Philadelphia, from December 27, 1939, for the term of six years and until her successor is appointed and qualified.

MEMBERS OF THE STATE BOARD OF OSTEOPATHIC EXAMINERS

H. M. Vastine, Harrisburg, from December 27, 1939, for the term of four years and until his successor is appointed and qualified.

Charles D. Farrow, Erie, from December 27, 1939, for the term of four years and until his successor is appointed and qualified.

Thomas H. Oxley, Philadelphia, from December 27, 1939, for the term of four years and until his successor is appointed and qualified.

L. S. Irwin, Washington, from January 19, 1940, for the term of four years and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNHURST STATE SCHOOL

Guy W. Knauer, West Chester, from January 10, 1940, for the term of four years and until his successor is qualified.

I. DeVault Chrisman, Elverson, from January 10, 1940, for the term of four years and until his successor is qualified.

Claude B. Wagner, Spring City, from January 10, 1940, for the term of four years and until his successor is qualified.

Edward J. Breece, Phoenixville from January 10, 1940, for the term of four years and until his successor is qualified.

Daniel J. Dunne, Oxford, from January 10, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Hazel B. Trimble, Wayne, from January 10, 1940, for the term of four years and until her successor is qualified.

Frank W. Shalkop, Collegeville, from January 10, 1940, for the term of four years and until his successor is qualified.

John S. Galt, Glen Moore, from January 10, 1940, for the term of four years and until his successor is qualified.

Ralph W. Ralston, Pottstown, from January 10, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA INDUSTRIAL SCHOOL

Joseph H. Mosser, Williamsport, from October 6, 1939, for the term of four years and until his successor is qualified.

Albert I. Wise, Pittsburgh, from October 6, 1939, for the term of four years and until his successor is qualified.

John H. Biddle, Huntingdon, from October 6, 1939, for the term of four years and until his successor is qualified.

Charles S. Bentley, Corry, from October 6, 1939, for the term of four years and until his successor is qualified.

Frederick B. Smillie, Gulph Mills, from March 11, 1940, for the term of four years and until his successor is qualified.

D. C. Goodman, Mt. Union, from April 18, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA TRAINING SCHOOL

J. Elmer Johnston, Canonsburg, from March 14, 1940, for the term of four years and until his successor is qualified.

Henry Baker Reiley, Somerset, from March 14, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Gaynelle M. Dixon, Butler, from March 14, 1940, for the term of four years and until her successor is qualified.

J. F. McQuistion, McDonald, from March 14, 1940, for the term of four years and until his successor is qualified.

Cleve Murray, Houston, from March 14, 1940, for the term of four years and until his successor is qualified.

Howard W. Hughes, Washington, from March 14, 1940, for the term of four years and until his successor is qualified.

Garfield A. McDowell, Greensburg, from March 14, 1940, for the term of four years and until his successor is qualified.

James H. Duff, Pittsburgh, from March 14, 1940, for the term of four years and until his successor is qualified.

J. A. Evans, Ellwood City, from March 14, 1940, for the term of four years and until his successor is qualified.

MEMBER OF THE STATE BOARD OF PHARMACY

John R. Williams, Cresco, from December 27, 1939, for the term of six years and until his successor is appointed and qualified.

MEMBERS OF THE REGISTRATION COMMISSION IN AND FOR THE CITY OF PHILADELPHIA

Theodore D. Starr, Philadelphia, from June 29, 1939, until the first Monday of January, 1941, or until his successor shall be duly qualified.

(Mrs.) Sara S. McNeil, Philadelphia, from June 29, 1939, until the first Monday of January, 1941, or until her successor shall be duly qualified.

Charles Amodei, Philadelphia, from June 29, 1939, until the first Monday of January, 1941, or until his successor shall be duly qualified.

Thomas A. Logue, Philadelphia, from July 18, 1939, until the first Monday of January, 1941, or until his successor shall be duly qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PHILIPSBURG STATE HOSPITAL

Rembrandt Dunsmore, Philipsburg, from August 24,

1939, for the term of four years and until his successor is qualified.

Dudley Tonkin, Tyrone, from August 24, 1939, for the term of four years and until his successor is qualified.

Blair Hutchinson, Houtzdale, from August 24, 1939, for the term of four years and until his successor is qualified.

Walter Williams, Ramey, from August 24, 1939, for the term of four years and until his successor is qualified.

Richard Hess, Morrisdale, from August 24, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Nancy Fryberger, Philipsburg, from August 24, 1939, for the term of four years and until her successor is qualified.

Benjamin Nicodemus, Port Matilda, from August 24, 1939, for the term of four years and until his successor is qualified.

Roy H. Schreffler, Philipsburg, from August 24, 1939, for the term of four years and until his successor is qualified.

James F. Dugan, Osceola Mills, from August 24, 1939, for the term of four years and until his successor is qualified.

MEMBER OF THE REGISTRATION COMMISSION IN AND FOR THE CITY OF PITTSBURGH

Edward M. Kenna, Pittsburgh, from October 10, 1939, until the first Monday of January, 1941, or until his successor shall be duly qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF POLK STATE SCHOOL

C. Arthur Blass, Erie, from January 29, 1940, for the term of four years and until his successor is qualified.

Henry Amsler, Clarion, from January 29, 1940, for the term of four years and until his successor is qualified.

R. Bruce McKinney, Titusville, from January 29, 1940, for the term of four years and until his successor is qualified.

John L. Morrison, Greenville, from January 29, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Mary Alice Wheeler, West Hickory, from January 29, 1940, for the term of four years and until her successor is qualified.

A. R. Newton, Jr., Emlenton, from January 29, 1940, for the term of four years and until his successor is qualified.

Blaine Harrington, Franklin, from January 29, 1940, for the term of four years and until his successor is qualified.

J. V Frampton, Oil City, from January 29, 1940, for the term of four years and until his successor is qualified.

John O'Donnell, Oil City, from January 29, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE STATE BOARD FOR THE EXAMINATION OF PUBLIC ACCOUNTS

M. C. Conick, Pittsburgh, from December 27, 1939, for the term of four years and until his successor is appointed and qualified.

Wilhelm E. Shissler, New Cumberland, from December 27, 1939, for the term of four years and until his successor is appointed and qualified.

MEMBERS OF THE STATE BOARD OF PUBLIC ASSISTANCE

Frank A. Robbins, Jr., Steelton, from January 16, 1940, until the third Tuesday of January, 1946.

James J. Knoud, Philadelphia, from January 16, 1940, until the third Tuesday of January, 1946.

MEMBER OF THE STATE EMPLOYES' RETIREMENT BOARD

(Mrs.) Marion Margery Scranton, Scranton, from November 2, 1939, until her successor is appointed.

MEMBERS OF THE SANITARY WATER BOARD

E. A. Holbrook, Pittsburgh, from November 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

H. Rea Klahr, Oil City, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Eugene L. Burns, Swarthmore, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE REGISTRATION COMMISSION IN AND FOR THE CITY OF SCRANTON

Ellsworth Kelly, Scranton, from May 31, 1939, until January 3, 1942 and until his successor is qualified.

(Mrs.) Emily Williams, Scranton, from May 31, 1939, until January 3, 1942, and until her successor is qualified.

J. Gerald Collins, Scranton, from May 31, 1939, until January 3, 1942, and until his successor is qualified.

Peter J. Reif, Scranton, from May 31, 1939, until January 3, 1942, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF SCRANTON STATE HOSPITAL

Harold A. Scragg, Scranton, from August 24, 1939, for the term of four years and until his successor is qualified.

Willard G. Ward, Blakely, from August 24, 1939, for the term of four years and until his successor is qualified.

Edward Fuller, Dalton, from August 24, 1939, for the term of four years and until his successor is qualified.

H. J. Megargel, Scranton, from August 24, 1939, for the term of four years and until his successor is qualified.

John Bushko, Old Forge, from August 24, 1939, for the term of four years and until his successor is qualified.

John W. Turko, Olyphant, from August 24, 1939, for the term of four years and until his successor is qualified.

Thomas J. Davis, Clarks Summit, from August 24, 1939, for the term of four years and until his successor is qualified.

Alvah Fassett, Tunkhannock, from August 24, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE PENNSYLVANIA SECURITIES COMMISSION

Walter C. Miller, Lancaster, from July 3, 1939, until the third Tuesday of January, 1943, or until his successor shall have been appointed and qualified.

Raymond A. Cox, Meadville, from July 3, 1939, until the third Tuesday of January, 1943, or until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF SELINSGROVE STATE COLONY FOR EPILEPTICS

Elmer Bashore, McAlisterville, from August 24, 1939, for the term of four years and until his successor is qualified.

J. B. Parson, Port Royal, from August 24, 1939, for the term of four years and until his successor is qualified.

Ralph Gaul, Walnut, from August 24, 1939, for the term of four years and until his successor is qualified.

Samuel F. Metz, Thompsontown, from August 24, 1939, for the term of four years and until his succesor is qualified.

Edward A. Phillips, Milton, from August 24, 1939, for the term of four years and until his successor is qualified.

A. D. Gaugler, Middleburg, from August 24, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Matilda Portzline, Selinsgrove, from August 24, 1939, for the term of four years and until her successor is qualified.

Samuel H. Bubb, McClure, from August 24, 1939, for the term of four years and until his successor is qualified.

L. C. Buffington, Hummels Wharf, from August 24, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA SOLDIERS' AND SAILORS' HOME

J. Clark Mansfield, Pittsburgh, from January 26, 1940,

for the term of four years, and until his successor is qualified.

Elmer E. Hess, Erie, from January 26, 1940, for the term of four years, and until his successor is qualified.

Floyd B. Owens, Erie, from January 26, 1940, for the term of four years, and until his successor is qualified.

Merle C. Quay, Erie, from January 26, 1940, for the term of four years, and until his successor is qualified.

Edward M. Muck, Meadville, from January 26, 1940, for the term of four years, and until his successor is qualified.

Melvin G. Keller, Warren, from January 26, 1940, for the term of four years, and until his successor is qualified.

J. H. Condrin, Oil City, from January 26, 1940, for the term of four years, and until his successor is qualified.

Frank D. Beary, Allentown, from January 26, 1940, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE COLLEGE

Roger W. Rowland, New Castle, from December 8, 1939, until July 1, 1940, and until his successor is appointed and qualified.

Edgar C. Weichel, Scranton, from December 8, 1939, until July 1, 1940, and until his successor is appointed and qualified.

Frederick A. Heim, Williamsport, from December 8, 1939, until July 1, 1941, and until his successor is appointed and qualified.

(Mrs.) Clara C. Phillips, Washington, from December 8, 1939, until July 1, 1941, and until her successor is appointed and qualified.

Howard J. Lamade, Williamsport, from December 8, 1939, until July 1, 1942, and until his successor is appointed and qualified.

Harry M. Moses, Pittsburgh, from December 8, 1939, until July 1, 1942, and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL

John A. Robertshaw, Greensburg, from June 27, 1939, for the term of four years and until his successor is qualified.

James Gregg, Greensburg, from June 27, 1939, for the term of four years and until his successor is qualified.

R. L. E. McCormick, Irwin, from June 27, 1939, for the term of four years and until his successor is qualified.

C. G. Gonder, Ligonier, from June 27, 1939, for the term of four years and until his successor is qualified.

W. N. Dickie, Blairsville, from June 27, 1939, for the term of four years and until his successor is qualified.

J. Kirk Renner, Connellsville, from June 27, 1939, for the term of four years and until his successor is qualified.

Virgil Chirico, Jeannette, from June 27, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE STATE BOARD OF UNDERTAKERS

Warren J. Dean, Philadelphia, from November 15, 1939, until August 31, 1942, and until his successor shall have been appointed and qualified.

George R. Huff, Lansdale, from November 15, 1939, until August 31, 1945, and until his successor shall have been appointed and qualified.

Harold R. Toner, Belle Vernon, from November 15, 1939, until August 31, 1946, and until his successor shall have been appointed and qualified.

Charles A. Fitzpatrick, Plymouth, from February 1, 1940, until August 31, 1944, and until his successor shall have been appointed and qualified.

MEMBERS OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

P. Stephen Stahlnecker, Harrisburg, from July 11, 1939, until July 1, 1941, and until his successor shall have been appointed and qualified.

Clarence E. Blackburn, Philadelphia, from January 1, 1940, until July 1, 1945, and until his successor shall have been appointed and qualified.

Henry S. Lawrence, Scranton, from January 4, 1940, until July 1, 1943, and until his successor shall have been appointed and qualified.

UNEMPLOYMENT COMPENSATION REFEREES

Samuel J. Roberts, Erie, from July 11, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Harvey G. Berkhouse, Kane, from July 11, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Elbert L. Davies, Montrose, from July 11, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

George H. Bennett, Jarrettown, from July 11, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

George C. Brown, Masontown, from July 11, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

C. W. Rubendall, Millersburg, from September 29, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Michael J. Stack, Philadelphia, from October 10, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Patrick Conner, Philadelphia, from January 10, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John B. Conly, Pittsburgh, from February 6, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF COMMISSIONERS ON UNIFORM STATE LAWS

William A. Schnader, Philadelphia, from March 28, 1940, for the term of four years and until his successor is appointed and qualified.

William M. Hargest, Harrisburg, from March 28, 1940, for the term of four years and until his successor is appointed and qualified.

John P. Egan, Pittsburgh, from March 28, 1940, for the term of four years and until his successor is appointed and qualified.

MEMBERS OF THE VALLEY FORGE PARK COMMISSION

Edward C. Shannon, Columbia, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Thomas S. Gates, Philadelphia, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Mary Handley Forney, Lancaster, from June 28, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

(Mrs.) Eleanor Morris Lloyd, Philadelphia, from June 28, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

William Innes Forbes, Villa Nova, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Mary Gray Stetzer, Newtown Square, from June 28, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Walter L. Wright, Lincoln University, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Anita Porter Clothier, Valley Forge, from June 28, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Joseph N. Ewing, Valley Forge, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Adolf Muller, Norristown, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Theodore Lane Bean, Norristown, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Ralph Morgan, Wyncote, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Bessie Dobson Altemus, Philadelphia, from June 28, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

MEMBERS OF THE STATE VETERANS' COMMISSION

J. Guy Griffith, New Kensington, from March 29, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Fred Myers, Philadelphia, from March 29, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

George S. Fay, Altoona, from March 29, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John U. Shroyer, Shamokin, from March 29, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Robert J. Doran, Wilkes-Barre, from March 29, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Henry Grab, Harrisburg, from March 29, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

Earle S. Pickup, Union City, from June 13, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Harry F. Broude, Harrisburg, from October 23, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

M. E. Patrick, Greensburg, from April 17, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

H. W. Barnard, Lancaster, from April 17, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Benjamin Price, West Chester, from April 17, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

Edward W. Johnson, Warren, from October 31, 1939, for the term of four years and until his successor is qualified.

Merle H. Deardorff, Warren, from October 31, 1939, for the term of four years and until his successor is qualified.

George Mason, Erie, from October 31, 1939, for the term of four years and until his successor is qualified.

A. E. Booth, Bradford, from October 31, 1939, for the term of four years and until his successor is qualified.

James D. Davis, Tionesta, from October 31, 1939, for the term of four years and until his successor is qualified.

Harry Smith, Ridgway, from October 31, 1939, for the term of four years and until his successor is qualified.

Roy Underwood, Knox, from October 31, 1939, for the term of four years and until his successor is qualified.

Fred Fruit, Sharon, from October 31, 1939, for the term of four years and until his successor is qualified.

Chester S. Allen, Warren, from March 21, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE WASHINGTON CROSSING PARK COMMISSION

Emil Menkle, Philadelphia, from June 19, 1939, until the third Tuesday of January 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Linda R. Cassard, Philadelphia, from June 19, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Edward W. Pangborn, Philadelphia, from June 19, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Helen Stubbs Smith, Hatboro, from June 19, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

(Miss) Anna K. Hawkes, Bristol, from June 19, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Elmer E. Althouse, Sellersville, from June 19, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

H. W. Turner, New Hope, from June 19, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBER OF THE WATER AND POWER RESOURCES BOARD

Harold A. Thomson, Drexel Hill, from October 10, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE WELFARE COMMISSION

Paul N. Schaeffer, Reading, from April 18, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Earl D. Bond, Philadelphia, from April 18, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Mrs. Mary C. Stackpole, Dauphin, from April 18, 1940, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Charles J. McBride, Pittsburgh, from April 18, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Mary B. Hanson, Philadelphia, from April 18, 1940, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Charles L. Brown, Philadelphia, from April 18, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John B. Nutt, Williamsport, from April 18, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF WERNERSVILLE STATE HOSPITAL

Margaret Hassler, Reading, from October 13, 1939, for the term of four years and until her successor is qualified.

(Mrs.) Stella Livingood, Robesonia, from October 13, 1939, for the term of four years and until her successor is qualified.

(Mrs.) Letitia Thrall Saylor, Annville, from October 13, 1939, for the term of four years and until her successor is qualified.

J. H. Zerbey, Pottsville, from October 13, 1939, for the term of four years and until his successor is qualified.

John K. Berk, Frackville, from October 13, 1939, for the term of four years and until his successor is qualified.

S. D. Bausher, Reading, from October 13, 1939, for the term of four years and until his successior is qualified.

J. A. Zook, Morgantown, from October 13, 1939, for the term of four years and until his successor is qualified.

Howard S. Lewis, Stony Creek Mills, from October 13, 1939, for the term of four years and until his successor is qualified.

D. W. Martin, Manheim, from December 7, 1939, for the term of four years and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS COLLEGE

William D. Ridgway, Bethayres, from January 9, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE WORKMEN'S COMPENSATION BOARD

Daniel G. Muphy, Philadelphia, from July 1, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Wilmer M. Jacoby, Pittsburgh, from July 1, 1939, until

the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Leo G. Knoll, Dickson City, from July 1, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

A. Harry Clayton, Doylestown, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John Sheldrake, Philadelphia, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Joseph P. Olexy, Plymouth, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Percy A. Patterson, Altoona, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John Alessandroni, Philadelphia, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Thomas Anthony Thornton, Pittsburgh, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Laurence Van Gibb, Sewickley, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

William Johnston Curtis, Sewickley, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Harvey Earl Moore, Sharon, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

J. Ross Foust, Greensburg, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Jesse George Smith, Warren, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

David W. Phillips, Scranton, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Emil C. Schwing, Johnstown, from July 20, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John Bassler Graybill, Lancaster, from October 10, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Gladstone A. Carmalt, Brookville, from November 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

LeRoy Enterline, Ashland, from February 2, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE WORLD'S FAIR COMMISSION

Richard P. Brown, Philadelphia, from March 20, 1940 until annulled.

Also the following persons to be MEMBERS OF THE COUNTY BOARDS OF ASSISTANCE, for the terms set opposite their names:

ADAMS COUNTY

Lloyd W. Kuhn, Bendersville, from July 10, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

J. H. Weaver, Littlestown, from December 31, 1939, until December 31, 1942.

Banks E. Benner, Fairfield, from January 24, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

ALLEGHENY COUNTY

Charles D. Aquadro, Pittsburgh, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

E. S. Wallace, Pittsburgh, from December 31, 1939, until December 31, 1942.

David L. Starr, Pittsburgh, from December 31, 1939, until December 31, 1942.

Stanley J. Kann, Pittsburgh, from March 1, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

BEAVER COUNTY

(Mrs.) Rebecca F Brown, Rochester, from May 31, 1939, until December 31, 1941, and until her successor is duly appointed and qualified.

(Mrs.) Agnes Perrott, Beaver Falls, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

Robert M. Crawford, Aliquippa, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

Perry A. Smith, New Brighton, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

T. B. Brownlee, New Brighton, from February 23, 1940, until December 31, 1942.

J. Newman Walker, Ambridge, from February 23, 1940, until December 31, 1942.

BEDFORD COUNTY

Ranson Beegle, Bedford, from December 31, 1939, until December 31, 1942.

J. A. S. Beegle, Bedford, from December 31, 1939, until December 31, 1942, and until his successor is duly appointed and qualified.

George S. Gorsuch, Yellow Creek, from February 16, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

BERKS COUNTY

(Mrs.) Nellie S. Shook, Reading, from December 31, 1939, until December 31, 1942.

Andrew P. Bower, Reading, from December 31, 1939, until December 31, 1942.

BLAIR COUNTY

Orris G. Crist, Altoona, from December 31, 1939, until December 31, 1942.

(Mrs.) Jennie D. Walter, Claysburg, from December 31, 1939, until December 31, 1942.

Zac Endress, Altoona, from February 1, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

BRADFORD COUNTY

(Mrs.) Charlotte L. Davidson, Towanda, from December 31, 1939, until December 31, 1942.

Martin R. Stalford, Wyalusing, from December 31, 1939, until December 31, 1942.

Samuel J. Kresge, Sayre, from December 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

BUCKS COUNTY

(Mrs.) Leanore Leattor, Riegelsville, from December 31, 1939, until December 31, 1942.

John T. Shaffer, Sellersville, from December 31, 1939, until December 31, 1942.

BUTLER COUNTY

F. Carl Anderson, Butler, from May 31, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

J. Brady Murrin, Butler, from December 31, 1939, until December 31, 1942.

(Mrs.) Anita Williams, Butler, from December 31, 1939, until December 31, 1942.

CAMBRIA COUNTY

Edwin F. Kinkead, Ebensburg, from February 1, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

(Mrs.) Augusta O'Donnell, Spangler, from February 1, 1940, until December 31, 1942, and until her successor is duly appointed and qualified.

CAMERON COUNTY

(Miss) Nellie Whiting, Sterling Run, from December 31, 1939, until December 31, 1942.

(Mrs.) Julia Lightner, Sinnemahoning, from December 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

J. Wright Mason, Sterling Run, from December 31, 1939, until December 31, 1942, and until his successor is duly appointed and qualified.

CARBON COUNTY

Roy Remaley, Summithill, from December 31, 1939, until December 31, 1942.

John Marzen, East Mauch Chunk, from December 31, 1939, until December 31, 1942.

CENTRE COUNTY

Lewis Hohnka Philipsburg, from December 31, 1939. until December 31, 1942.

H. T. Struble, Bellefonte, from December 31, 1939, until December 31, 1942.

CHESTER COUNTY

(Mrs.) Eugenie Cassett Davis, Berwyn, from January 10, 1940, until December 31, 1942, and until her successor is duly appointed and qualified.

C. Gilbert Hazlett, Kennett Square, from January 10, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

CLARION COUNTY

H. C. Faller, Fryburg, from December 31, 1939, until December 31, 1942.

Eugene Woods, Sligo, from December 31, 1939, until December 31, 1942.

CLEARFIELD COUNTY

John Y. Rafferty, Grampian, from December 31, 1939, until December 31, 1942.

Glenn W. Benson, DuBois, from December 31, 1939, until December 31, 1942.

CLINTON COUNTY

Edward M. Eberhart, Lock Haven, from December 31, 1939, until December 31, 1942.

Ralph Welshans, Woonville, from December 31, 1939, until December 31, 1942.

(Mrs.) Stella Cummings, Lock Haven, from February 1, 1940, until December 31, 1941, and until her successor is duly appointed and qualified.

Howard Gundlach, Avis, from February 1, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Agnes Mercer, Renovo, from February 16, 1940, until December 31, 1940, and until her successor is duly appointed and qualified.

COLUMBIA COUNTY

(Mrs.) Jessie F. Herring, Orangeville, from December 31, 1939, until December 31, 1942.

CRAWFORD COUNTY

(Mrs.) Jeannette W. Hood Beatty, Meadville, from December 31, 1939, until December 31, 1942.

Emmett Allen, Townville, from December 31, 1939 until December 31, 1942.

(Mrs.) Louise Bentz Carroll, Carlisle, from May 31, 1939, until December 31, 1941, and until her successor is duly appointed and qualified.

Ray E. Hutter, Mechanicsburg, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Emma E. Brownhill, Enola, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Lottie M. Thompson, Camp Hill, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

G. R. Fogelsonger, Shippensburg, from May 31, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

DAUPHIN COUNTY

Harry S. Smeltzer, Harrisburg, from September 7, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

(Mrs.) Belle K. Kunkel, Harrisburg, from December 31, 1939, until December 31, 1942.

Walter Zerbe, Lykens, from February 23, 1940, until December 31, 1942.

DELAWARE COUNTY

M. W. Cohen, Glen Mills, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

E. Wallace Chadwick, Chester, from May 31, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

(Mrs.) Eleanor B. Lloyd, Haverford, from May 31, 1939, until December 31, 1941, and until her successor is duly appointed and qualified.

(Mrs.) Ann T. Monihan, Ridley Park, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Doris Garvin Kinsley, Wallingford, from August 18, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

Clarence L. Conner, Chester, from February 23, 1940, until December 31, 1942.

Raymond Rooke Start, Upper Darby, from February 23, 1940, until December 31, 1942.

ELK COUNTY

John F. Joyce, St. Marys, from July 25, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Doris Thurston Engstrom, Johnsonburg, from December 31, 1939, until December 31, 1942.

(Mrs.) Frances Whamond, Brockport, from December 31, 1939, until December 31, 1942.

ERIE COUNTY

A. J. Scolio, Erie, from December 31, 1939, until December 31, 1942.

Horton J. Davis, Corry, from March 6, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

FAYETTE COUNTY

John Farrell, Uniontown, from May 31, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

Charles M. Shank, Masontown, from May 31, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

Charles M. Stone, Connellsville, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Maude S. Reynolds, New Salem, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Mabel Luman, Uniontown, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Louise L. Whipp, Point Marion, from February 23, 1940, until December 31, 1942.

Eli H. Hatfield, Brownsville, from February 23, 1940, until December 31, 1942.

FOREST COUNTY

(Miss) Marcia B. Smith, Endeavor, from September 5,

1939, until December 31, 1940, and until her successor is duly appointed and qualified.

C. A. Weaver, Tionesta, from December 31, 1939, until December 31, 1942.

FRANKLIN COUNTY

Howard E. Craig, Waynesboro, from December 31, 1939, until December 31, 1942.

(Mrs.) Ruth F. Humbert, Greencastle, from December 31, 1939, until December 31, 1942.

Edgar W. Diehl, Chambersburg, from February 1, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

FULTON COUNTY

(Mrs.) Kathryn E. Shimer, McConnellsburg, from December 31, 1939, until December 31, 1942.

H. P. Barton, Hustontown, from February 1, 1940, until December 31, 1942.

GREENE COUNTY

William T. Moore, Waynesburg, from December 31, 1939, until December 31, 1942.

E. C. Cowell, Waynesburg, from December 31, 1939, until December 31, 1942.

INDIANA COUNTY

Arthur J. Pfhol, Indiana, from July 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

Edward M. Thompson, Home, from December 31, 1939, until December 31, 1942.

W. P. Frech, Home, from December 31, 1939, until December 31, 1942, and until his successor is duly appointed and qualified.

JEFFERSON COUNTY

O. H. Johnston, Reynoldsville, from December 31, 1939, until December 31, 1942, and until his successor is duly appointed and qualified.

JUNIATA COUNTY

Ezra C. Doty, Mifflintown, from December 31, 1939, until December 31, 1942.

Mrs. Anna S. Smith, Thompsontown, from April 18, 1940, untill December 31, 1942, and until her successor is duly appointed and qualified.

LACKAWANNA COUNTY

Michael Holod, Dickson City, from December 31, 1939, until December 31, 1942.

Thomas Quinn, Scranton, from December 31, 1939, until December 31, 1942.

LANCASTER COUNTY

(Mrs.) Laura Burtz Roye, Columbia, from December 31, 1939, until December 31, 1942.

George L. Heiges, Manheim, from December 31, 1939, until December 31, 1942.

LAWRENCE COUNTY

Frederick Taylor, Sr., Pulaski, from May 31, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

J. Preston Flaherty, New Castle, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

Charles Z. Bell, New Castle, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

Ross H. Kirkpatrick, New Castle, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Blanche Sampson, Volant, from May 31, 1939, until December 31, 1941, and until her successor is duly appointed and qualified.

Harry H. Davies, New Castle, from February 23, 1940, until December 31, 1942.

(Mrs.) Bernice Shannon, New Castle, from February 23, 1940, until December 31, 1942.

LEBANON COUNTY

Edwin P. Rank, Lebanon, from December 31, 1939, until December 31, 1942.

(Mrs.) Sue E. Marquart, Lebanon, from December 31, 1939, until December 31, 1942.

LEHIGH COUNTY

Thomas L. Smyth, Allentown, from December 31, 1939, until December 31, 1942.

Gurney F. Afflerbach, Allentown, from December 31, 1939, until December 31, 1942.

LYCOMING COUNTY

(Mrs.) Edna Laurea Younkin, Williamsport, from December 31, 1939, until December 31, 1942.

Paul J. Egan, Jersey Shore, from December 31, 1939, until December 31, 1942.

McKEAN COUNTY

W. Fred Grow, Duke Center, from December 31, 1939, until December 31, 1942.

MERCER COUNTY

(Mrs.) Mildred Clark, Sharpsville, from December 31, 1939, until December 31, 1942.

(Mrs.) Minnie Hildebrand, Sharon, from December 31, 1939, until December 31, 1942.

MIFFLIN COUNTY

E. W. Thomas, Burnham, from December 31, 1939, until December 31, 1942.

Guy Middlesworth, Belleville, from February 23, 1940, until December 31, 1942.

MONROE COUNTY

(Mrs.) Leila M. Beers, Stroudsburg, from December 31, 1939, until December 31, 1942.

(Mrs.) Lou W. Rhoads, Tobyhanna, from December 31, 1939, until December 31, 1942.

MONTGOMERY COUNTY

Lawrence E. Orgill, Pottstown, from December 31, 1939, until December 31, 1942.

Nathanael B. Groton, Whitemarsh, from December 31, 1939, until December 31, 1942.

MONTOUR COUNTY

Walter Brown, Danville, from December 31, 1939, until December 31, 1942.

John F. Tooley, Danville, from December 31, 1939, until December 31, 1942.

R. W. Yohn, Danville, from January 23, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

NORTHAMPTON COUNTY

John F. Oldt, Easton, from December 31, 1939, until December 31, 1942.

(Miss) Catherine McGrath, Easton, from December 31, 1939, until December 31, 1942.

NORTHUMBERLAND COUNTY

Edwin F. Fish, Milton, from May 31, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

John U. Shroyer, Shamokin, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Ida Butts Morse, Mt. Carmel, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed tnd qualified.

J. P. Carpenter, Sunbury, from April 17, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

L. C. Myers, Shamokin, from April 17, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

Frank S. Andrzejewski, Shamokin, from April 17, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

Joseph Zecoski, Mount Carmel, from April 17, 1940, until December 31, 1942.

PERRY COUNTY

(Mrs.) Ella M. Gray, Blain, from July 13, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

(Miss) Marion Shull, Newport, from August 18, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

Paul Ellenberger, Marysville, from December 31, 1939, until December 31, 1942.

Harry Crytzer, New Bloomfield, from April 18, 1940 until December 31, 1942, and until his successor is duly appointed and qualified.

PHILADELPHIA COUNTY

G. Vico Ciccone, Philadelphia, from June 19, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

Cadmus Z. Gordon, Jr., Philadelphia, from December 31, 1939, until December 31, 1942.

(Miss) Mary Dercum, Philadelphia, from December 31, 1939, until December 31, 1942.

(Mrs.) Marianna G. Coleman, Philadelphia, from December 31, 1939, until December 31, 1942.

Harry A. Cochran, Philadelphia, from February 16, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

Wayne S. Hopkins, Philadelphia, from April 2, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

Herbert L. Nelke, Philadelphia, from April 2, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

PIKE COUNTY

Norman Guillot, Bushkill, from December 31, 1939, until December 31, 1942.

William Weintz, Matamoras, from April 18, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

George V. Thompson, Milford, from April 18, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

POTTER COUNTY

Carlton C. Grover, Ulysses, from December 31, 1939, until December 31, 1942.

Wm. T. Fisk, Roulette, from February 1, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

SCHUYLKILL COUNTY

(Mrs.) Bessie Seidell Bechtel, Pottsville, from December 31, 1939, until December 31, 1942.

(Mrs.) Mary Cecelia Hagen, St. Clair, from December 31, 1939, until December 31, 1942.

SNYDER COUNTY

Oscar E. Letteer, Beavertown, from December 31, 1939, until December 31, 1942.

Homer VanDevender, Selinsgrove, from December 31, 1939, until December 31, 1942.

SOMERSET COUNTY

Charles Blatt, Somerset, from December 31, 1939, until December 31, 1942.

(Mrs.) Daryle Heckman, Somerset, from December 31, 1939, until December 31, 1942.

SULLIVAN COUNTY

(Miss) Anna Speary, Sonestown, from December 31, 1939, until December 31, 1942.

(Mrs.) Marie Hydock, Sonestown, from February 1, 1940, until December 31, 1942.

SUSQUEHANNA COUNTY

(Mrs.) Winifred Meehan, Montrose, from December 31, 1939, until December 31, 1942.

Frank J. Chapman, Susquehanna, from December 31, 1939, until December 31, 1942.

TIOGA COUNTY

(Miss) Helen A. Blair, Wellsboro, from December 31, 1939, until December 31, 1942.

George O'Donnell, Blossburg, from December 31, 1939, until December 31, 1942.

Fred A. Juplenaz, Covington, from February 16, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

UNION COUNTY

Arthur E. Minnier, Lewisburg, from December 31, 1939, until December 31, 1942.

(Mrs.) Blanche A. Ehrhart, Mifflinburg, from December 31, 1939, until December 31, 1942.

VENANGO COUNTY

(Mrs.) Gladys Baker Maitland, Franklin, from December 31, 1939, until December 31, 1942.

H. Carl Wasson, Franklin, from February 1, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

Melville W. Robinson, Oil City, from February 23, 1940, until December 31, 1942.

WARREN COUNTY

Raymond F. Morrison, Warren, from June 22, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

Joseph C. Wygant, Warren, from August 18, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

Leonard Swanson, Warren, from December 31, 1939, until December 31, 1942.

Fred Shaw, Tidioute, from December 31, 1939, until December 31, 1942.

WASHINGTON COUNTY

(Mrs.) Delia Kelly, Donora, from April 18, 1940, until December 31, 1942.

Wray, G. Zelt, Jr., Washington, from April 18, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

William D. Davies, McDonald, from April 18, 1940, until December 31, 1940, and his successor is duly appointed and qualified.

WAYNE COUNTY

George Gilchrist, Lake Como, from December 31, 1939, until December 31, 1942.

(Miss) Edith Swift, Honesdale, from December 31, 1939, until December 31, 1942.

WESTMORELAND COUNTY

J. Karl Beery, Monessen, from April 17, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

WYOMING COUNTY

Cecil P. Allen, Tunkhannock, from December 31, 1939, until December 31, 1942.

(Miss) Nellie Klinefelter, Factoryville, from December 31, 1939, until December 31, 1942.

(Mrs.) Esther Englemier, Osterhout, from March 20, 1940, until December 31, 1940, and until her successor is duly appointed and qualified.

YORK COUNTY

(Mrs.) Caroline M. Delle, York New Salem, from December 31, 1939, until December 31, 1942.

John E. Sheffer, York, from December 31, 1939, until December 31, 1942.

ARTHUR H. JAMES.

## RESOLUTION THAT HOUSE AND SENATE MEET IN JOINT SESSION

Mr. BARTLETT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 6, 1940.

Resolved (if the House of Representatives concur), That the Senate and House of Representatives meet in Joint Session, Monday evening, May 6, 1940, at 8 o'clock, Eastern Standard Time, (9 o'clock, Daylight Saving Time) in the Hall of the House for the purpose of hearing an address by His Excellency, the Governor of the Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## COMMITTEE TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

Mr. EDMONDS offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 6, 1940.

Resolved (if the House of Representatives concur), That a Committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House (if the House shall appoint such committee) to escort the Governor to the hall of the House to address the members of the General Assembly in Joint Session at 8 o'clock, P. M. Eastern Standard Time (9 o'clock Daylight Saving Time) May 6, 1940, pursuant to a concurrent resolution already adopted by the Senate and House of Representatives.

## RESOLUTION AUTHORIZING APPOINTMENTS BY THE GOVERNOR DURING THE INTERIM

Mr. CROWE offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 6, 1940.

Resolved, That the list of appointments which may be sent to the Senate by the Governor as having been made during the interim be printed for the use of the Senate under the direction of the Chief Clerk.

## TIME OF NEXT MEETING

Mr. OWLETT offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 6, 1940.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 13, 1940 at 8:00 o'clock, Eastern Standard Time, (9:00 o'clock, Daylight Saving Time), and when the House of Representatives adjourns this week it reconvene on Thursday afternoon, May 16, 1940 at 3:00 o'clock, Eastern Standard Time, (4:00 o'clock, Daylight Saving Time).

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## RESOLUTION AUTHORIZING NOMINATIONS BY THE GOVERNOR FOR APPOINTMENT OF NOTARIES PUBLIC TO BE LAID ON THE TABLE

Mr. EALY offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 6, 1940.

Whereas, The reference to committee of nominations by the Governor for appointment of Notaries Public has resulted in the past in duplication of printing and an avoidable expense in the matter of printing, therefore, be it

Resolved, That nominations by the Governor for the appointment of Notaries Public be laid on the table until further action.

## NOMINATIONS BY THE GOVERNOR

### NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public and Commissioners of Deeds which were laid on the table.

## CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 6, 1940, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ADAMS COUNTY

Miss Anna C. Weaver, Littlestown.

ALLEGHENY COUNTY

Thomas W. Balmer, Pittsburgh, 5905 Baum Blvd.

C. D. Bassett, Pittsburgh, Frick Bldg. Annex.

Mrs. Marian T. Black, Pittsburgh, The Pittsburgher, 428 Diamond Street.

Harvey R. Bowman, O'Hara Twp., Veteran's Hospital, Aspinwall.

James M. Brunner, Pittsburgh, 600 Grant Street.

Leroy B. Cornelius, Pittsburgh, 411 Boulevard of Allies.

Miss Marie K. Denniston, Pittsburgh, Jones Law Building.

Miss Marion P. Foss, Jefferson Twp., R. D. 6, Pittsburgh (10).

Miss Frieda F. Fromm, Pittsburgh, 1835 Center Avenue.

Miss Marjorie A. Fueller, Pittsburgh, 901 Professional Bldg., 429 Penn Avenue.

Miss Zella Goldblum, Pittsburgh, 210 W. Ohio Street.

Miss Anna G. Goldner, Turtle Creek.

Harold E. Kaley, Neville Twp., 3400 Grand Avenue, Neville Island, Pittsburgh.

Miss Anna R. Leahy, Pittsburgh, Forbes Building, Forbes and Atwood Streets.

William J. McFarland, Pittsburgh, 319 Plaza Building.

Lee C. Miller, Wilkinsburg.

S. A. Molinda, Pittsburgh, 321 Investment Bldg.

Miss Emily Pollock, Pittsburgh, Law and Finance Bldg.
Miss Vera F. Ritter, Pittsburgh, 811 Jones Law Bldg.
Harry Schall, Etna.
Fred E. Schubert, Kennedy Twp., R. D. 1, Crestview Drive, McKees Rocks.
Mrs. Adelaide G. Springer, Pittsburgh, Park Building.
Miss Hal Stevens, Bellevue.

BEAVER COUNTY

R. L. Baker, Jr., Beaver.

BERKS COUNTY

Miss Beatrice M. Montville, Reading.
Miss Clara L. Preston, Reading.
Mrs. Anne Shaeffer, Reading.
Miss Marie T. Wiater, Reading.

BUCKS COUNTY

Miss Margaret Brennan, Bristol.
Miss Lillian M. Fell, Doylestown.

CAMBRIA COUNTY

Mrs. Ruth M. Leckey, East Taylor Twp., R. D. 1, Conemaugh.

CHESTER COUNTY

Mrs. Sara Y. Aumiller, Downingtown.
Charles S. W. Donaghy, Tredyffrin Twp., R. D. 1, Wayne.
Mrs. Annabel Rissel, South Coatesville.

CRAWFORD COUNTY

Ernest Ellis, Cambridge Springs.
Miss Marie M. Weidenbach, Meadville.

CUMBERLAND COUNTY

Miss Cora J. Rumberger, New Cumberland.

DAUPHIN COUNTY

Mrs. Elizabeth H. Fry, Harrisburg.
F. G. Kerlin, Paxtang.

DELAWARE COUNTY

Peter Craciun, Prospect Park.
Mrs. Louise H. Davis, Darby.
Miss Annetta Di Prinzio, Radnor Twp., 392 W. Lancaster Avenue, Wayne.
Miss Rita M. Gallagher, Chester.
Silvio Giardinelli, Jr., Lansdowne.

ELK COUNTY

Miss Anne M. Quatroche, St. Marys.
Gordon F. Sawdy, St. Marys.

FAYETTE COUNTY

Angelo Mack, Masontown.

LACKAWANNA COUNTY

Miss Emilie Evans, Scranton.
Miss Nellie L. Hennigan, Scranton.
Fred W. Peters, Scranton.
H. M. Warren, Scranton.

LANCASTER COUNTY

Leo F. Ulrich, Elizabethtown.
Roy S. Zink, Mount Joy.

LEBANON COUNTY

Mrs. Elizabeth E. Baker, Palmyra.
Michael Stefonich, Cornwall.

LEHIGH COUNTY

David T. Benner, Allentown.
Truman R. Fries, Bethlehem.
Mrs. Viola Hoffman, Lower Macungie Twp., R. D. 1, Alburtis.
Miss Mary C. McFadden, Allentown.

LUZERNE COUNTY

William H. Anderson, Nanticoke.
Leon Borofski, Nanticoke.
Miss Margaret Byrne, Hazleton.
John Kopetchny, Swoyersville.

LYCOMING COUNTY

Miss Caroline Faber Martz, Williamsport.

McKEAN COUNTY

Miss Anne M. Carlan, Bradford.

MERCER COUNTY

Donald C. Knapp, Greenville.
Mrs. Rita Thomas, Greenville.

MONROE COUNTY

Mrs. Helen M. Sterling, Stroudsburg.

MONTGOMERY COUNTY

Chas. F. Bergh, Lower Merion Twp., 1212 Lancaster Avenue, Rosemont.
Miss Kathryn S. Bookman, Norristown.
Wilmer S. Moyer, Lansdale.

NORTHAMPTON COUNTY

Claude R. Laros, Easton.

PERRY COUNTY

Mrs. Mabel E. Gelbach, Duncannon.

PHILADELPHIA COUNTY

Miss Helen Barr, Phila., 5200 Grays Avenue.
Miss Lucia M. Cipolloni, Phila., 6780 Germantown Avenue.
Walter Crisconi, Phila., 1155 S. Broad Street.
Mrs. Mildred M. Franzen, Phila., 132 South 4th Street.
Mrs. Mollie S. Furia, Phila., 1300 Lincoln-Liberty Building.
Joseph J. Hersch, Phila., 917 W. Boston Avenue.
Mrs. Grace L. Kohn, Phila., Terminal Commerce Bldg., 401 N. Broad Street.
Francis P. McGoldrick, Phila., 1710 Girard Trust Company Building.
Mrs. Sadie J. McNamee, Phila., 1078 Frankford Avenue.
Oliver Wolcott Merrow, Phila., 49 North 7th Street.
F. Allen Mink, Phila., 1531 Locust Street.
Mrs. Edith Moedern, Phila., Land Title Building.
Valentine J. O'Connor, Phila., Phila. Record Bldg., Broad and Wood Streets.
William J. Sargent, Phila., N. E. Cor. 15th and Walnut Streets.
Herbert F. Sharp, Phila., Heymann Building, 215 S. Broad Street.
Miss Blanche C. Taylor, Phila., 122 South 4th Street.
Reuben Trachtman, Phila., 4015 Lancaster Avenue.
Walter E. Wannemacher, Phila., 4736 N. Camac Street.

SOMERSET COUNTY

Mrs. Fay R. Mulcahy, Central City.
Thomas W. Sayers, Somerset.

SUSQUEHANNA COUNTY

Mrs. Margaret P. Wescott, Gibson Twp., South Gibson.

WARREN COUNTY

Harold T. Flowers, Warren.

WASHINGTON COUNTY

C. E. Hensel, Charleroi.
John F. Kutch, North Strabane Twp., Box No. 288, Strabane.
Miss Ruth E. Quay, Canonsburg.

WESTMORELAND COUNTY

Dan Broad, New Kensington.

YORK COUNTY

C. C. Gruver, York.
John L. Snyder, York.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

J. Thos. Beall, Jr., Pittsburgh, 4805 Second Avenue, May 11, 1940.
H. R. Clay, Sewickley, May 11, 1940.
Miss Hazel G. Dean, McKeesport, May 11, 1940.
David F. Dickinson, Pittsburgh, Grant Building, May 11, 1940.
Miss Cecil Fineberg, Pittsburgh, 810 Clark Bldg., 717 Liberty Avenue, May 11, 1940.
Miss Twane Griffith, Pittsburgh, 207 Fifth Avenue, May 11, 1940.
Herman Harris, Pittsburgh, 2033 Centre Avenue, May 11, 1940.
Miss Rose Mary McCartan, Pittsburgh, Hacke Bldg., 207 Fifth Avenue, May 11, 1940.
C. E. Mowry, Jr., West Homestead, May 11, 1940.
Mrs. Violet E. Myers, Pittsburgh, 507 Martin Building, May 11, 1940.
Miss Florence Nathan, Pittsburgh, Hotel William Penn, May 11, 1940.
Miss Agnes M. Nikischer, Coraopolis, May 11, 1940.
Miss Anna Nydes, Pittsburgh, City-County Building, May 11, 1940.
Thos. A. Passafiume, Homestead, May 11, 1940.
Frank Spangenberg, Pittsburgh, 801 Penn Avenue, May 11, 1940
Miss Catherine Zeppenfeld, Sharpsburg, May 11, 1940.

BEAVER COUNTY

Raymond N. Keyser, Aliquippa, May 11, 1940.
Joseph N. Tosh, Freedom, May 11, 1940.
Miss Gertrude Zeigler, Ambridge, May 11, 1940.

BERKS COUNTY

T. Clair Flemming, Reading, May 11, 1940.
Miss Beatrice L. Genner, Reading, May 11, 1940.
Miss Lillian R. Sassaman, Reading, May 11, 1940.
Miss Emma C. Seitzinger, Reading, May 11, 1940.

BLAIR COUNTY

Harry E. Clarke, Altoona, May 11, 1940.
Miss P. Elizabeth Noll, Altoona, May 11, 1940.

BRADFORD COUNTY

D. A. McNeal, Towanda, May 11, 1940.

BUCKS COUNTY

John W. James, Bristol Twp., 191 Locust Avenue, Torresdale, Phila., May 11, 1940.
Vernon D. Platt, Lower Southampton Twp., Feasterville, May 11, 1940.
Frank W. Stockham, Morrisville, May 11, 1940.

BUTLER COUNTY

J. Wm. Bryant, Butler Twp., Box 591, Butler, May 11, 1940.
C. E. Nicholson, Butler Twp., Box 591, Butler, May 11, 1940.
J. E. Pfister, Butler, May 11, 1940.

CAMBRIA COUNTY

Miss Rose Hetblein, Johnstown, May 11, 1940.
Thomas W. Hewitt, Johnstown, May 11, 1940.
Miss Augusta M. LaMantia, Nanty Glo, May 11, 1940.
Mrs. Nora C. Springer, Barnesboro, May 11, 1940.
Mrs. Lillian H. Tedjeske, Johnstown, May 11, 1940.

CHESTER COUNTY

Everett Stubblebine, Spring City, May 11, 1940.

CLEARFIELD COUNTY

Elbert A. Garrison, DuBois, May 11, 1940.

CRAWFORD COUNTY

Mrs. Katherine M. Thompson, Meadville, May 11, 1940.
Gaylord O. Wentworth, Randolph Twp., Guys Mills, May 11, 1940.

DAUPHIN COUNTY

H. J. Gerber, Harrisburg, May 11, 1940.
Miss Marie Shreiner, Harrisburg, May 11, 1940.
L. W. Zimmerman, Penbrook, May 11, 1940.

DELAWARE COUNTY

Mrs. Daisy M. Bushong, Upper Darby Twp., 148 Garrett Road, Upper Darby, May 11, 1940.
Harvey M. Hale, Haverford Twp., Bryn Mawr, May 11, 1940.
Lewes D. Orton, Upper Darby Twp., 6939 Ludlow Street, Upper Darby, May 11, 1940.
Miss Lucille M. Overbeck, Upper Darby Twp., 69th and Walnut Streets, Upper Darby, May 11, 1940.
Theodore Smithers, Chester, May 11, 1940.

ERIE COUNTY

Miss Mary M. Depinet, Erie, May 11, 1940.

FAYETTE COUNTY

William E. Finn, Connellsville, May 11, 1940.
William M. Slogenhop, Uniontown, May 11, 1940.

FRANKLIN COUNTY

Mrs. Virginia B. Blessing, Waynesboro, May 11, 1940.
Mrs. Dorothy H. Poe, Chambersburg, May 11, 1940.

JEFFERSON COUNTY

Miss Marie A. Madden, Punxsutawney, May 11, 1940.

LACKAWANNA COUNTY

Miss F. Faye Dommermuth, Scranton, May 11, 1940.
Miss Sara F. Duffy, Scranton, May 11, 1940.
Mrs. Emyle Dunbar, Scranton, May 11, 1940.
Mrs. Sadye E. Gromlich, Scranton, May 11, 1940.

LANCASTER COUNTY

Chas. F. Bowman, Lancaster, May 11, 1940.
A. Z. Mellinger, New Holland, May 11, 1940.
Eugene E. Schuberth, Lancaster, May 11, 1940.

LEBANON COUNTY

Miss Clara R. Preis, Lebanon, May 11, 1940.

LEHIGH COUNTY

Miss Ruth E. Dixon, Allentown, May 11, 1940.
Miss Viola M. Gaugler, Allentown, May 11, 1940.
Carl Hoffman, Alentown, May 11, 1940.
Wilbur C. Huber, Allentown, May 11, 1940.

Elmer C. Kistler, Lynn Twp., R. D. 1, Kempton, May 11, 1940.
Edwin S. Lyman, Jr., Allentown, May 11, 1940.

LUZERNE COUNTY

Miss Mary A. Brady, Hazleton, May 11, 1940.
James A. Canfield, West Pittston, May 11, 1940.
L. Brinton Horne, Hazleton, May 11, 1940.
Jos. F. Lester, Kingston, May 11, 1940.
Mrs. Teresa Stenach, Plymouth, May 11, 1940.

LYCOMING COUNTY

Miss Esther A. Kehler, Williamsport, May 11, 1940.

McKEAN COUNTY

A. A. Griffin, Bradford, May 11, 1940.

MIFFLIN COUNTY

Mrs. Irene B. Gassert, Lewistown, May 11, 1940.

MONTGOMERY COUNTY

Max M. Brunner, East Greenville, May 11, 1940.
Jacob R. Clemens, Upper Gwynedd Twp., R D 1, Lansdale, May 11, 1940.
F. J. Harrity, Lower Merion Twp., 66 E. Lancaster Avenue, Ardmore, May 11, 1940.
W. L. Kentner, Upper Moreland Twp., Willow Grove, May 11, 1940.
Miss Helen L. Perry, Pottstown, May 11, 1940.
Harry K. Thomas, Norristown, May 11, 1940.

NORTHAMPTON COUNTY

Charles A. Bealer, Easton, May 11, 1940.
Michael D. Fenol, Bethlehem, May 11, 1940.
George L. R. Teel, Easton, May 11, 1940.
Paul Trumbower, Hellertown, May 11, 1940.

NORTHUMBERLAND COUNTY

Stephen Pittelli, Kulpmont, May 11, 1940.
William W. Ryon, Jr., Shamokin, May 11, 1940.

PHILADELPHIA COUNTY

Sabato M. Bendiner, Phila., 942 Widener Building, May 11, 1940.
Josiah Bunting, 2nd., Phila., 1424 Walnut Street, May 11, 1940.
Miss Elizabeth L. Carr, Phila., 12 South 12th Street, May 11, 1940.
Mrs. E. E. Carrigan, Phila., 5441 Baltimore Avenue, May 11, 1940.
Francis A. Cotney, Phila., 5314 Kingsessing Avenue, May 11, 1940.
Wm. B. Crossland, Phila., 4530 Tacony Street, May 11, 1940.
Leonardo Di Berardino, Phila., 6328 Vine Street, May 11, 1940.
John J. Dolan, Phila., 5435 Chester Avenue, May 11, 1940.
Miss Anna Dowling, Phila., 1211 Chestnut Street, May 11, 1940.
Raymond M. Ernst, Phila., 703 Heymann Bldg., 213 South Broad Street, May 11, 1940.
William N. Farran, Jr., Phila., 7981 Oxford Avenue, May 11, 1940.
Samuel Green, Phila., 141 South 4th Street, May 11, 1940.
Miss Elizabeth Houlihan, Phila., 1735 Commercial Trust Building, 16 South Broad Street, May 11, 1940.
Emil Kulchycky, Phila., 2231 Fairmount Avenue, May 11, 1940.
Miss Ernestine G. Lewis, Phila., 1719 Packard Building, May 11, 1940.
A. R. Littlewood, Jr., Phila., 441 Lyceum Avenue, Roxborough, May 11, 1940.
Miss Mary Magan, Phila., 432 Chestnut Street, May 11, 1940.
Mrs. Ethel L. McCuff, Phila., 8209 Tinicum Avenue, May 11, 1940.
S. E. Mittler, Phila., Pier 30, South Wharves, May 11, 1940.
Chas. F. Moetsch, Jr., Phila., 1927 West Montgomery Avenue, May 11, 1940.
Joseph A. Montagno, Phila., 1616 Jackson Street, May 11, 1940.
C. Earl Moore, Phila., N. E. Cor. 15th and Walnut Streets, May 11, 1940.
Miss Florence M. Munzer, Phila., 718 Fidelity-Phila. Trust Building, May 11, 1940.
Miss Dorothy Myers, Phila., 146 North Delaware Avenue, May 11, 1940.
Vincent M. Naddy, Phila., 1828 West Huntingdon Street, May 11, 1940.
Mrs. Dorothea G. O'Hare, Phila., 907 Fidelity-Phila. Trust Building, May 11, 1940.
Mrs. Martha Persichetti, Phila., 2144 South Broad Street, May 11, 1940.
Nathan P. Reissman, Phila., Fidelity- Phila. Trust Building, May 11, 1940.
Matthew A. Roth, Phila., 5426 North 5th Street, May 11, 1940.
Mrs. T. S. Ryan, Phila., 80th and Island Road, May 11, 1940.
Elmer J. Schall, Phila., 135 South Broad Street, May 11, 1940.
Edward S. Schmidt, Phila., Schaff Building, 1505 Race Street, May 11, 1940.
Albert R. Slick, Phila., 1200 Liberty Trust Building, May 11, 1940.
George Staskel, Phila., 3249 East Thompson Street, May 11, 1940.
F. R. Van Lear, Phila., 4250 Wissahickon Avenue, May 11, 1940.
John B. Wightman, Phila., 1059 Bridge Street, May 11, 1940.
Roy A. Wright, Phila., 1530 Chestnut Street, May 11, 1940.
Paul D. Zentmyer, Phila., 738 Public Ledger Building, May 11, 1940.

SCHUYLKILL COUNTY

Miss Mary E. Le Van, Pottsville, May 11, 1940.

SOMERSET COUNTY

Emil L. Anderson, Somerset, May 11, 1940.
Mrs. Margaret K. Phillips, Meyersdale, May 11, 1940.
Mrs. Melva Stull, Shanksville, May 11, 1940.

WARREN COUNTY

Mrs. Eva M. Reardon, Warren, May 11, 1940.
Miss M. J. Wollaston, Warren, May 11, 1940.

WASHINGTON COUNTY

Mrs. Santina S. Marino, Washington, May 11, 1940.

WESTMORELAND COUNTY

Mrs. Jeanne McCahill Monessen, May 11, 1940.

YORK COUNTY

Mrs. Portia Pugliese, York, May 11, 1940.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. D. Virginia Grove, Pittsburgh, 1803 Law & Finance Building.
Mrs. Ruth J. Kuhn, Pittsburgh, 2010 Brownsville Road.

Mrs. Jane M. Morrow, Aspinwall.
William J. Schaffner, McKeesport.

BERKS COUNTY

Miss Catherine Y. Eck, Reading.

McKEAN COUNTY

N. T. Henretty, Bradford.
John D. McCarthy, Bradford.

PHILADELPHIA COUNTY

Mrs. Helen S. Wiley, Phila., 1025 Witherspoon Building.

SUSQUEHANNA COUNTY

Joseph Strassman, Forest City.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Miss Mildred C. Freund, Pittsburgh, American Bank Building, 600 Grant Street, May 11, 1940.
R. C. Westerman, McKeesport, May 11, 1940.

CHESTER COUNTY

Miss Anna M. Miller, West Chester, May 11, 1940.

CLEARFIELD COUNTY

Miss Mary A. McCallister, DuBois, May 11, 1940.

INDIANA COUNTY

L. D. Johnston, Burrell Twp., Main Street, Black Lick, May 11, 1940.

LACKAWANNA COUNTY

Miss Margaret B. Cawley, Scranton, May 11, 1940.
Miss Mary L. Linton, Phila., 1504 Fox Building, May 11, 1940.

PHILADELPHIA COUNTY

Waldorf R. Ringe, Phila., 1408 Girard Trust Company Building, May 11, 1940.

SCHUYLKILL COUNTY

W. J. McCarthy, St. Clair, May 11, 1940.

UNION COUNTY

Frank L. Dershem, Lewisburg, May 11, 1940.

WASHINGTON COUNTY

Miss Betty McGraw, Washington, May 11, 1940.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Charles E. Anthony, Pittsburgh 5624 Penn Avenue, May 11, 1940.
L. L. Atkinson, Pittsburgh, 1402 Arrott Building, May 11, 1940.
George H. Benson, Brentwood, May 11, 1940.
Ubi C. Bernabei, Bridgeville, May 11, 1940.
Joseph Blunkosky, Jr, Bridgeville, May 11, 1940.
Mrs. Hilda E. Bohn, Pittsburgh, 2d Fl. Peoples Bank Bldg., Fourth Avenue & Wood Street, May 11, 1940.
Mrs Ruth L. Bundy, Pittsburgh, Investment Bldg., 235 Fourth Avenue, May 11, 1940.
Miss Leah Cohen, Pittsburgh, 49th & Harrison Avenues, May 11, 1940.
Miss Ruth E. Covert, Pittsburgh, Colonial Trust Co., 414 Wood Street, May 11, 1940.
Miss Mildred E. Dillow, McKeesport, May 11, 1940.
Thomas D. Durkin, Pittsburgh, 3212 Liberty Avenue, May 11, 1940.
Leonard J Durschinger, Neville Twp., 400 Grand Avenue, Neville Island, Pittsburgh, May 11, 1940.
P. O. Eitel, Pittsburgh, 1162 Frick Building Annex, May 11, 1940.
Morris Fried, Pittsburgh, 201 Craft Place, May 11, 1940.
Richard H. Hall, Pittsburgh, 139 University Place, May 11, 1940.
Miss Mabel A. Hazlett, Springdale, May 11, 1940.
H. C. Heil, Pittsburgh, 5734 Howe Avenue, May 11, 1940.
M. V. G. Huston, Pittsburgh, 5625 Baum Boulevard, May 11, 1940
William Johnson, Pittsburgh, 619 West Diamond St., N. S., May 11, 1940.
John A. Koch, Pittsburgh, 20 Wabash Avenue, May 11, 1940.
C. D. Latimer, Oakdale, May 11, 1940.
Miss Caroline M. Leinenweber, Pittsburgh, 718 East Ohio Street, N. S., May 11, 1940.
K. E. Luther, Wilkinsburg, May 11, 1940.
Miss Emily Macalka, Stowe Twp., McKees Rocks, May 11, 1940.
Miss Anne T. McMeel, Pittsburgh, Community Fund Bldg., 519 Smithfield Street, May 11, 1940.
Wm. A. Means, Pittsburgh, 6428 Frankstown Avenue, May 11 1940.
M. E. Miller, Swissvale, May 11, 1940.
J. C. Peterson, Pittsburgh, 800 Union Trust Building, May 11, 1940.
A. M. Pivirotto, Pittsburgh, 5532 Penn Avenue, May 11, 1940.
Harry E. Rau, Pittsburgh, 185 41st Street, May 11, 1940.
Sister Francis Regis, Pittsburgh, 3339 McClure Avenue, May 11, 1940.
Raymond L. Ritenbaugh, Pittsburgh, 4620 Hatfield Street, May 11, 1940.
Mrs. Dolores T. Rosenberger, Dormont, May 11, 1940
Mrs. Theola B. Rowell, Pittsburgh, 1530 Park Building, May 11, 1940.
K. O. F. Schramm, Pittsburgh, 5211 Butler Street, May 11, 1940.
Martin Seder, Pittsburgh, 925 Liberty Avenue, May 11, 1940.
H. Charles Seelhorst, Emsworth, May 11, 1940.
George Shaw, West Deer Twp., Box 263, Curtisville, May 11, 1940.
W. E. Snodgrass, Pittsburgh, 37 Water Street, May 11, 1940.
Mrs. Elizabeth Toboz, Pittsburgh, 3530 Forbes Street, May 11, 1940.
Miss Helen M. Tulsiak, Pittsburgh, 3415 Forbes Street, May 11, 1940.
Miss Helen M. Uffelman, Pittsburgh, 2602 Grant Building, May 11, 1940.
Charles A. Wrather, North Braddock, May 11, 1940.
A. H. Wegner, Swissvale, May 11, 1940.
John G. Welsh, Pittsburgh, 3624 Liberty Avenue, May 11, 1940.
J. Paul Wood, Versailles Twp., 3400 Walnut Street, McKeesport, May 11, 1940.
Miss May Wood, Pittsburgh, Peoples Bank Bldg., 307 Fourth Avenue, May 11, 1940.

Mrs. Sarah Young, Pittsburgh, 3526 Beechwood Blvd, May 11, 1940.
William R. Zesky, Verona, May 11, 1940.
H. A. Zirkle, Pittsburgh, Herrs Island, May 11, 1940.

ARMSTRONG COUNTY

William Clark Campbell, Apolo, May 11, 1940.
Ira M. Henry, Ford City, May 11, 1940.
James A. Maher, Leechburg, May 11, 1940.
James H. Reitler, Bethel Twp., Logansport, Kelly Station, May 11, 1940.

BEAVER COUNTY

Paul W. Heller, Beaver, May 11, 1940.
O. E. McDowell, Harmony Twp., P. O. Box 269, Ambridge, May 11, 1940.
John K. Porter, Midland, May 11, 1940.
Miss Ruth Stewart, Beaver Falls, May 11, 1940.

BERKS COUNTY

H. Gordon Bolden, Reading, May 11, 1940.
P. H. Bricker, Upper Bern Twp., Shartlesville, May 11, 1940.
Oliver J. Hettinger, Reading, May 11, 1940.
Wayne P. J. Lenhart, Hamburg, May 11, 1940.
Miss Miriam M. Moll, Reading, May 11, 1940.
Mrs. Elizabeth R. Quigley, Bally, May 11, 1940.

BLAIR COUNTY

John H. Canole, Altoona, May 11, 1940.
Miss Verna E. Gildea, Hollidaysburg, May 11, 1940.
Mrs. Mame McAleer, Altoona, May 11, 1940.

BRADFORD COUNTY

Richmond W. Bailey, Troy, May 11, 1940.
Miss Mabel L. Northrup, Athens, May 11, 1940.

BUCKS COUNTY

Mrs. Lillian Grupp, Bristol Twp., Croydon, May 11, 1940.
Irwin N. Hartzell, Telford, May 11, 1940.
Howard C. Hetrick, Telford, May 11, 1940.
Miss Rachel W. Johnson, Morrisville, May 11, 1940.
Harold J. Kendall, Morrisville, May 11, 1940.
J. Alfred Rigby, Bensalem Twp., Cornwells Heights, May 11, 1940.
Miss Gertrude A. Roberts, Bristol, May 11, 1940.
Mrs. Mildred G. Stahl, Quakertown, May 11, 1940.

BUTLER COUNTY

W. J. Cramer, Butler, May 11, 1940.
J. W. Jewell, East Butler, May 11, 1940.

CAMBRIA COUNTY

Miss Theresa Goetzi, Johnstown, May 11, 1940.
Mrs. Dorothy H. Hoyt, Johnstown, May 11, 1940.
Warren S. Krise, Johnstown, May 11, 1940.
Lester A. Schettig, Cresson, May 11, 1940.
Miss Mildred E. Thomas, Johnstown, May 11, 1940.

CARBON COUNTY

Frank R. Diehl, Lehighton, May 11, 1940.
Miss Catharine E. Gallagher, Lansford, May 11, 1940.
Miss Kathryn E. McGinley, Mauch Chunk, May 11, 1940.

CENTRE COUNTY

H. S. Elder, State College, May 11, 1940.
M. J. Rothrock, Spring Twp., Bellefonte, May 11, 1940.

CHESTER COUNTY

William M. Anglemoyer, Phoenixville, May 11, 1940.
Miss Ruth A. Crosley, West Chester, May 11, 1940.
Miss Evelma L. Detterline, West Chester, May 11, 1940.
Miss Sara Sue Humpton, West Chester, May 11, 1940.
Mrs. Velma D. McNutt, Oxford, May 11, 1940.
Miss Alice M. Morris, Phoenixville, May 11, 1940.
T. L. Sheperd, West Chester, May 11, 1940.
Mrs. Ruth H. Zipse, West Chester, May 11, 1940.

CLARION COUNTY

Howard R. Panton, Foxburg, May 11, 1940.

CLEARFIELD COUNTY

LeRoy M. Miller, Du Bois, May 11, 1940.

COLUMBIA COUNTY

Arthur Berninger, Locust Twp., Nomidia, May 11, 1940.
B. Reber Krum, Bloomsburg, May 11, 1940.

CRAWFORD COUNTY

Miss Helen I. Brown, Meadville, May 11, 1940.
Mrs. Clara M. Fisher, Titusville, May 11, 1940.
Donald W. Gapp, Meadville, May 11, 1940.
Clarence H. Putnam, Meadville, May 11, 1940.
Robert Shiels, Meadville, May 11, 1940.

CUMBERLAND COUNTY

Miss Mary R. Wert, Carlisle, May 11, 1940.

DAUPHIN COUNTY

Ezra C. Cassell, Harrisburg, May 11, 1940.
A. Boyd Derr, Harrisburg, May 11, 1940.
C. J. Filippelli, Harrisburg, May 11, 1940.
W. H. Nelson, Harrisburg, May 11, 1940.
William H. Reindel, Jr., Harrisburg, May 11, 1940.
Arthur E. Schultz, Lower Swatara Twp., Middletown, May 11, 1940.
Lester E. Swartz, Harrisburg, May 11, 1940.
Warren O. Weaver, Harrisburg, May 11, 1940.
W. E. Woodall, Harrisburg, May 11, 1940.

DELAWARE COUNTY

Miss Eleanor Behrle, Upper Darby Twp., 732 Burmont Rd., Drexel Hill, May 11, 1940.
John M. McCoy, Upper Darby Twp., 450 Burnley Lane, Drexel Hill, May 11, 1940.
Edward L. Noyes, Swarthmore, May 11, 1940.
Miss Dorothy M. Stevenson, Haverford Twp., 2407 Darby Rd., Upper Darby, May 11, 1940.
Charles J. Suplee, Jr., Upper Darby Twp., 144 Hilldale Rd., Lansdowne, May 11, 1940.
Miss Helen E. Watts, Haverford Twp., 1200 Darby Rd., Upper Darby, May 11, 1940.
Curtis G. Wiegand, Chester, May 11, 1940.

ELK COUNTY

G. A. Fagley, St. Marys, May 11, 1940.
Miss M. Josephine Garritt, Ridgway, May 11, 1940.
F. R. Gladden, Ridgway, May 11, 1940.
C. L. Park, Ridgway, May 11, 1940.

ERIE COUNTY

Mrs. Thelma M. Beach, Union City, May 11, 1940.
Miss Victoria M. Brunner, Erie, May 11, 1940.
Albert D. Fay, Corry, May 11, 1940.
Mrs. Amalia K. Heyl, Erie, May 11, 1940.
Milo J. Oesterlin, Erie, May 11, 1940.
Mrs. Alice G. Pease, North East, May 11, 1940.

FAYETTE COUNTY

Mrs. Mary Jane Boyd, Connellsville Twp., Broad Ford, May 11, 1940.
Frank R. Foster, Uniontown, May 11, 1940.
G. M. Gleason, Uniontown, May 11, 1940.
Mrs. Bessie H. Phalin, South Connellsville, May 11, 1940.
Mrs. Edith P. Simpson, Uniontown, May 11, 1940.
Richard B. Weightman, Fayette City, May 11, 1940.
Miss Ruth E. Wilson, Uniontown, May 11, 1940.
John E. Wise, Smithfield, May 11, 1940.
John A. Wright, Brownsville, May 11, 1940.

FRANKLIN COUNTY

W. E. Culp, Chambersburg, May 11, 1940.
Wilbur Nelson Kauffman, Mercersburg, May 11, 1940.
S. W. Yingling, Greencastle, May 11, 1940.

GREENE COUNTY

Mrs. Elizabeth L. Stephenson, Waynesburg, May 11, 1940.

HUNTINGDON COUNTY

Paul R. Grove, Huntingdon, May 11, 1940.
Miss Katharine Henry, Mount Union, May 11, 1940.

INDIANA COUNTY

Charles E. Wassam, Green Twp., Starford, May 11, 1940.

JEFFERSON COUNTY

Robert E. Donnor, Brookville, May 11, 1940.
Clinton H. Scott, Jr., Brookville, May 11, 1940.
Mrs. Josephine D. Sweeney, Punxsutawney, May 11, 1940.

LACKAWANNA COUNTY

Mrs. Edna D. Borthwick, Scranton, May 11, 1940.
Carl Carey, Scranton, May 11, 1940.
H. Milton Cross, Scranton, May 11, 1940.
Ralph E. Davis, Scranton, May 11, 1940.
John W. James, Blakely, May 11, 1940.
Mrs. Jeanette Klein, Scranton, May 11, 1940.
Charles Leber, Scranton, May 11, 1940.
Morris Moskovitz, Dickson City, May 11, 1940.
Mrs. Mary Syron Norton, Carbondale, May 11, 1940.
Miss Anne O'Malley, Scranton, May 11, 1940.
Miss Thelma R. Ross, Scranton, May 11, 1940.
Stanley E. Thomas, Scranton, May 11, 1940.
Mrs. Ethel B. Young, Scranton, May 11, 1940.

LANCASTER COUNTY

K. C. Bare, Manheim Twp., Box 989, Lancaster, May 11, 1940.
James P. Dellet, Lancaster, May 11, 1940.
Miss Marguerite C. Kiehl, Lancaster, May 11, 1940.
H. E. Musser, Ephrata, May 11, 1940.
Russel S. Sharp, Lancaster, May 11, 1940.
Miss M. Anna Sheetz, Lancaster, May 11, 1940.
Mrs. Mary E. Shirker, Akron, May 11, 1940.

LAWRENCE COUNTY

Earle M. Brookover, New Castle, May 11, 1940.
Michael S. Cirelli, Ellwood City, May 11, 1940.
Miss Melvina J. Davies, New Castle, May 11, 1940.
Marshall G. Matheny, New Castle, May 11, 1940.
Miss Elizabeth McDevitt, New Castle, May 11, 1940.
Miss Viola Wallace, New Castle, May 11, 1940.
Geo. B. Wilson, Ellwood City, May 11, 1940.

LEHIGH COUNTY

Harry D. Brady, Allentown, May 11, 1940.
Mrs. Blanche Lucas, Allentown, May 11, 1940.
Alfred H. Newhard, Allentown, May 11, 1940.
Chas. E. Roth, Allentown, May 11, 1940.
Edgar C. Sobers, Bethlehem, May 11, 1940.
Alfred L. Wallitsch, Allentown, May 11, 1940.
Miss Grace E. Walp, Catasauqua, May 11, 1940.
William G. Weidner, Allentown, May 11, 1940.

LUZERNE COUNTY

Mrs. Florence Burkhardt, Wilkes-Barre, May 11, 1940.
R. H. Elliott, Wilkes-Barre, May 11, 1940.
James D. Evans, Wilkes-Barre, May 11, 1940.
Miss Rose A. Hammill, Wilkes-Barre, May 11, 1940.
Calvin H. Knyrim, Jr., Hazleton, May 11, 1940.
Harold R. Pittman, Wilkes-Barre, May 11, 1940.
Frank Shivy, Luzerne, May 11, 1940.
Ray W. Turner, Nanticoke, May 11, 1940.
Miss Alice M. Wildoner, Wilkes-Barre, May 11, 1940.
S. Dutt Wolcott, Wilkes-Barre, May 11, 1940.
Mrs. Ann M. Yeager, Kingston, May 11, 1940.

LYCOMING COUNTY

Hugh J. Bubb, Williamsport, May 11, 1940.
C. Gelbert Lloyd, Williamsport, May 11, 1940.
I. S. Mabee, Williamsport, May 11, 1940.
Mrs. M. Elizabeth Moon, Williamsport, May 11, 1940.
W. Leon Nast, Williamsport, May 11, 1940.
A. D. Pfeiffer, Williamsport, May 11, 1940.
Mrs. Lena Pearl Seibert, Hughesville, May 11, 1940.

McKEAN COUNTY

Henry Graff, Bradford, May 11, 1940.
Mrs. Harriette M. Husted, Bradford, May 11, 1940.
Stanley M. Irons, Kane, May 11, 1940.
Miss Ruth A. McCready, Bradford, May 11, 1940.

MERCER COUNTY

Miss Margaret Evans, Sharon, May 11, 1940.
Jos. A. Franek, Farrell, May 11, 1940.
John V. Wherry, Grove City, May 11, 1940.

MONROE COUNTY

Wesler T. Keenan, Pocono Twp., Pocono Manor Inn, Pocono Manor, May 11, 1940.
Horace G. Walters, East Stroudsburg, May 11, 1940.

MONTGOMERY COUNTY

William J. Banmiller, Skippack Twp., Eastern State Pen., Graterford, May 11, 1940.
Christian T. Bean, W. Norriton Twp., 223 Egypt Rd., R. D. 1, Norristown, May 11, 1940.
Therman P. Britt, Jenkintown, May 11, 1940.
Miss Marie Brusch, Norristown, May 11, 1940.
Miss Claire E. Burk, Pottstown, May 11, 1940.
Robert L. Clayton, Lansdale, May 11, 1940.
James J. Dooley, Lower Merion Twp., Bryn Mawr, May 11, 1940.
Newton H. Hackman, Hatfield Twp., Colmar, May 11, 1940.
Russell L. Mathias, Lower Merion Twp., 51 E. Lancaster Avenue, Ardmore, May 11, 1940.
Miss Anna M. Smith, Ambler, May 11, 1940.
J. Harold Wolf, Telford, May 11, 1940.

MONTOUR COUNTY

Mrs. Elsie S. Maiers, Danville, May 11, 1940.

NORTHAMPTON COUNTY

William J. Gingles, Easton, May 11, 1940.
Mrs. Myrtle Meixsell, Easton, May 11, 1940.

NORTHUMBERLAND COUNTY

Miss Margeret K. Calhoun, Northumberland, May 11, 1940.
Miss Pearl A. Heffelfinger, Milton, May 11, 1940.
Wm. Marsh Lantz, Watsontown, May 11, 1940.
Miss Magdalene Murdza, Mount Carmel, May 11, 1940.
Mrs. Ruth Phillips, Milton, May 11, 1940.
Mrs. Marian Umstead, Shamokin, May 11, 1940.

PHILADELPHIA COUNTY

Miss Mary Armstrong, Phila., 1212 Franklin Tr. Bldg., 15th and Chestnut Streets, May 11, 1940.
Miss Violet Armstrong, Phila., Conrad Street and Indian Queen Lane, May 11, 1940.
Leon C. Astor, Phila., S. E. Corner 56th and Walnut Streets, May 11, 1940.
Claude E. Atchison, Phila., 23 S. 23d Street, May 11, 1940.
Edw. Scott Banister, Phila., 7930 Frankford Avenue, Holmesburg, May 11, 1940.
Floyd L. Belsito, Phila., Pier 53 South Wharves, May 11, 1940.
Meyer H. Berger, Phila., 3913 North Broad Street, May 11, 1940.
Edgar Bordley, Phila., 2431 West Norris Street, May 11, 1940.
Morris Brown, Phila., 1101 South Broad Street, May 11, 1940.
J. Norman Bruner, Phila., 5th and Glenwood Avenue, May 11, 1940.
Edwin L. Buob, Phila., 135 South Broad Street, May 21, 1940.

Mrs. Marie F. Carley, Phila., 1930 Chestnut Street, May 11, 1940.
Miss Margaret S. Carr, Phila., 972 Public Ledger Building, May 11, 1940.
J. H. Casey, Phila., 2829 Ridge Avenue, May 11, 1940.
Miss Mary A. Connors, Phila., 1626 Arch Street, May 11, 1940.
Miss Alice Coulston, Phila., 6812 Rising Sun Avenue, May 11, 1940.
Miss Viola M. Daubert, Phila., 3500 Grays Ferry Road, May 11, 1940.
Mrs. Dorothy Deaville, Phila., Penn Athletic Club, Rittenhouse Square, May 11, 1940.
J. W. Dennis, Phila., 4500-10 Woodland Avenue, Kingsessing, May 11, 1940.
Miss Anna L. Draeger, Phila., 802-10 Lincoln-Liberty Building, May 11, 1940.
Mrs. Anna M. Farnan, Phila., 1616 Walnut Street, May 11, 1940.
Mason W. Forrester, Phila., 1633 East Passyunk Avenue, May 11, 1940.
Patrick J. Gallagher, Phila., 5931 Lansdowne Avenue, May 11, 1940.
Conrad W. Geissel, Phila., 485 North Third Street, May 11, 1940.
Herbert E. Graf, Phila., 1143 Widener Building, May 11, 1940.
Mrs. Elsie Gross, Phila., 2656 South 62nd Street, May 11, 1940.
Frederick C. Gruber, Phila., 2317 Fidelity-Phila. Trust Building, 123 South Broad Street, May 11, 1940.
John H. Gruninger, Phila., 2312 Orthodox Street, May 11, 1940.
Miss Elsie A. Helmich, Phila., Nixon and Fountain Streets, Manayunk, May 11, 1940.
Samuel F. Herst, Phila., 2215 Washington Avenue, May 11, 1940.
Mrs. Marjorie R. Hobbs, Phila., 1620 North Thompson Street, May 11, 1940.
G. W. Hornsby, Phila., 600 Girard Trust Company Building, Broad & Chestnut Streets, May 11, 1940.
Harry L. Hubbs, Phila., 1319 Nedro Avenue, May 11, 1940.
Miss Madeline Hutt, Phila., Front Street and Olney Avenue, May 11, 1940.
Herbert P Jones, Phila., Brown Building, May 11, 1940.
Raymond C. Kaelin, Phila., 1725 West Champlost Avenue, May 11, 1940.
Julius Kauffman, Jr., Phila., Fletcher Works, Inc., Glenwood Avenue and Second Street, May 11, 1940.
Harry J. Knipple, Phila., 7102 Castor Avenue, May 11, 1940.
Isadore W. Kravitz, Phila., 4115 Leidy Avenue, May 11, 1940.
Harry G. Kuhn, Phila., Market Street National Bank, Juniper and Market Streets, May 11, 1940.
Miss Jeanne Lalli, Phila., 744 Fidelity-Phila. Trust Building, May 11, 1940.
Walter L. Landis, Phila., 5728 North 17th Street, May 11, 1940.
Dolf L. Levy, Phila., S. E. Cor, Broad Street and Girard Avenue, May 11, 1940.
Albert M. Lightfoot, Phila., 4819 Penn Street, May 11, 1940.
John H Luecke, Phila., 25th and Westmoreland Streets, May 11, 1940.
James J. Lynch, Phila., 1205 Land Title Buiulding, May 11, 1940.
Paul R. MacCausland, Phila., 355 Bourse Building, May 11, 1940.
Miss Martha T. McGovern, Phila., 508 Bulletin Building, May 11, 1940.
Edward E. McNally, Phila., 6830 Ogontz Avenue, May 11, 1940.
Miss Mabel Mudd, Phila., Edward G. Budd Mfg Co., 25th and Hunting Park Avenue, May 11, 1940.
George C. Munger, Phila., Stock Exchange Buiulding, 1411 Walnut Street, May 11, 1940.
Miss Alberta A. Neiman, Phila., 5742 Wayne Avenue, May 11, 1940.
Miss Ruth M. Paige, Phila., Widener Building, May 11, 1940.
Mrs. Ethel P. Rees, Phila., Stephen Girard Building, 21 South 12th Street, May 11, 1940.
John Reilley, Phila., 432 Commercial Trust Building, May 11, 1940.
Mrs. Maryon W. Richman, Phila., 817 East Allegheny Avenue, May 11, 1940.
Arthur Savery Roberts, Phila., 910 Girard Trust Building, May 11, 1940.
Charles K. Rosenberg, Phila., 1518 Pennsylvania Building, May 11, 1940.
William V. Rowan, Phila., 4606 Walnut Street, May 11, 1940.
Mrs. Miriam M. Rubin, Phila., 6964 Torresdale Avenue, May 11, 1940.
Miss Marie Samet, Phila., N. E. Cor. 15th and Locust Streets., May 11, 1940.
Miss Lillian A. Schaefer, Phila., 816 Market Street Bank Building, May 11, 1940.
Frank C. Schaller, Phila., 512 West Norris Street, May 11, 1940.
George Schnabel, Jr., Phila., 7416 Loretto Avenue, May 11, 1940.
Mark Simon, Phila., 1719 North 53d Street, May 11, 1940.
Louis A. Skillman, Phila., 4615 Walnut Street, May 11, 1940.
Miss Elizabeth Starrett, Phila., 2007 Fidelity-Phila. Trust Building, May 11, 1940.
Mrs. Helen Starsinic, Phila., 147 West Girard Avenue, May 11, 1940.
Lester L. Swope, Phila., 5026 Wayne Avenue, Germantown, May 11, 1940.
Mrs. Irma L. Taylor, Phila., 5114 Market Street, May 11, 1940.
Walter Tees, Phila., Eastern State Penitentiary, 2107 Fairmount Avenue, May 11, 1940.
Miss Katherine I. Thaleg, Phila., 434-445 Fidelity-Phila. Trust Building, 123 South Broad Street, May 11, 1940.
Julius J. Trumper, Phila., 524 Lombard Street, May 11, 1940.
Sigmund Twersky, Phila., 1506 South 4th Street, May 11, 1940.
Richard K. Wagner, Phila., 1600 Arch Street, May 11, 1940.
Mrs. Gene Werner, Phila., 1817 East Allegheny Avenue, May 11, 1940.
Otto W. Wetzork, Phila., 353 East Cliveden Avenue, May 11, 1940.
Mrs. Jane M. Whalen, Phila., S. Abrahams Co., Inc., Goodman Building, 1326 Vine Street, May 11, 1940.
Miss Margaret S. Wilson, Phila., 123 South Broad Street, May 11, 1940.
Vernon Worthington, Phila., Byberry Road, Somerton, May 11, 1940.

POTTER COUNTY

Theodore R. Vogdes, Coudersport, May 11, 1940.

SCHUYLKILL COUNTY

Joseph J. Boreese, Shenandoah, May 11, 1940.
James M. Derr, Foster Twp., Buck Run, May 11, 1940.
Robert C. Dinger, Schuylkill Haven, May 11, 1940.
Miss Susan A. Fanniberg, Pottsville, May 11, 1940.
Mrs. Gertrude K. O'Brien, Pottsville, May 11, 1940.
Allen Q. Schwalm, Pine Grove, May 11, 1940.

SNYDER COUNTY

Mrs. Margaret M. Sommer, Selinsgrove, May 11, 1940.

SUSQUEHANNA COUNTY

Mrs. Margaret L. Letteer, Montrose, May 11, 1940.

TIOGA COUNTY

Mark L. Tingley, Blossburg, May 11, 1940.

VENANGO COUNTY

John F. MacArthur, Oil City, May 11, 1940.
W. F. Moyar, Oil City, May 11, 1940.
T. M. Rose, Franklin, May 11, 1940.

WARREN COUNTY

Kenneth R. Barrett, Warren, May 11, 1940.
Miss Julia M. Hohman, Warren, May 11, 1940.
Miss Evelyn K. Miller, Warren, May 11, 1940.
J. Harry West, Warren, May 11, 1940.

WASHINGTON COUNTY

Phil Brozier, Independence Twp., Box H, Avella, May 11, 1940.
John A. Gallo, Charleroi, May 11, 1940.
Miss Irena M. Hormell, Washington, May 11, 1940.
Edmond J. Poudevigne, Cecil Twp., L. Box 4, Cecil, May 11, 1940.
Mrs. Mabyl T. Simons, Charleroi, May 11, 1940.
Miss Garnett Sumney, Washington, May 11, 1940.
W. J. Wilson, Bentleyville, May 11, 1940.
Robert J. Wood, California, May 11, 1940.

WESTMORELAND COUNTY

A. B. Adams, West Newton, May 11, 1940.
G. A. Giesey, Derry, May 11, 1940.
William R. Hankey, New Kensington, May 11, 1940.
Miss Alice B. Loughner, Monessen, May 11, 1940.
Alfred W. Ratner, Greensburg, May 11, 1940.
G. L. Schriber, Vendergrift, May 11, 1940.

YORK COUNTY

Harvey B. Apple, Wellsville, May 11, 1940.
N. M. Baughman, Dover, May 11, 1940.
Joseph B. Bollinger, Hanover, May 11, 1940.
Ernest G. Garner, Windsor, May 11, 1940.
Mrs. Dorathy A. Gommill, York, May 11, 1940.
Mrs. Dorothy B. Kistler, York, May 11, 1940.
Miss Evelyn M. Miller, York, May 11, 1940.
Miss Bertha M. Neiman, York, May 11, 1940.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., May 6, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In comformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, the following named persons to be Notaries Public for the Commonwealth of Pennsylvania for the term of four years, to compute from the date of their confirmation:

ADAMS COUNTY

Charles E. Hedrick, Gettysburg.

ALLEGHENY COUNTY

Mrs. Hazel G. Cornitcher, Pittsburgh.
W. J. Bealles, Pittsburgh.
Mrs. Dorothy Focer, Brentwood.
Albert W. Hoffman, Pittsburgh.
Miss Frances, Killeen, Pittsburgh.
William H. Thomas, Etna.
Miss Lucille S. Calabrese, Pittsburgh.
Albert R. Lederer, Port Vue.
Miss Edith Lytle Starr, Pittsburgh.
Miss Anne R. Watson, Pittsburgh.
Thomas H. Harrison, Pittsburgh.
Miss Matilda F. Liebman, Dormont.
Henry J. Doench, Pittsburgh.
E. W. Engerer, Pittsburgh.
Miss Lucille A. Wagner, Mt. Oliver.
Paul Crisswell, Pittsburgh.
Miss Edith I. Flynn, Pittsburgh.
Mrs. Marie V. Adams, Pittsburgh.
Miss Helen R. Lipchik, Pittsburgh.
Miss Irenen Matyasovics, Pittsburgh.
Cloyde J. Weaverling, Pittsburgh.
Fred E. Obley, Pittsburgh.
Edward Z. Bartolomeo, West Elizabeth.
Miss Marcella G. Jones, Pittsburgh.
Michael A. Kazmierski, Pittsburgh.
H. K. Sullivan, Pittsburgh.
A. J. Balter, Pittsburgh.
Miss A. M. Casillo, Pittsburgh.
A. A. Merlin, Elizabeth.
S. J. Moran, Pittsburgh.
William M. Neel, Dormont.
Joseph A. Mustio, Findley Twp.
C. Elmer McPherson, Pittsburgh.
E. P. Carnot, Pittsburgh.
Clemence B. Leiendecker, Pittsburgh.
Harvey H. Allhouse, Wilmerding.
Bruce H. Archer, Pittsburgh.
Miss Eleanor A. Faust, Pittsburgh.
Paul D. Murrin, Pittsburgh.
Miss Jeannette Supkoff, Pittsburgh.
Frank C. Serna, Pittsburgh.
Miss Florence M. Visnic, Pittsburgh.
Mrs. Martha S. Bader, Coraopolis.
John T. Porea, Jr., Pittsburgh.
Mrs. E. Herb Scholl, Pittsburgh.
Miss M. Elizabeth Seif, Pittsburgh.
Miss Frances Firth, Pittsburgh.
Mrs. Evelyn Hipsley Frenzel, Pittsburgh.
Miss Norma Weidenhamer, Pittsburgh.
Mrs. Marie S. Green, Pittsburgh.
Wm. R. MacDonald, Brentwood.
Miss Ruth Magram, Pittsburgh.
Mrs. Ruby M. Palmer, Pittsburgh.
William B. Raab, Pittsburgh.
Lester J. Samek, Pittsburgh.
Miss Dorothy Viets, McKeesport.
Richard G. Pesci, Pittsburgh.
M. J. Zahniser, Pittsburgh.
Sam R. Ruben, Pittsburgh.
Frank D. McNamara, Pittsburgh.
Miss Dolores J. Azinger, Pittsburgh.
George D. Billock, Pittsburgh.
R. A. Harris, Pittsburgh.
A. J. Killard, Pittsburgh.
Miss Norma Fiske, Pittsburgh.
Fred C. Reinhardt, Pittsburgh.
Miss Charlotte Toth, Pittsburgh.
Mrs. Dorothy T. Uptegraff, Pittsburgh.
Sam W. Litman, Pittsburgh.
Fred G. Loskamp, Jr., Pittsburgh.
Ralph H. Gandy, Pittsburgh.
Anton G. Sporcic, Pittsburgh.
Chester O. Biven, Pittsburgh.
David W. Brant, West View.
Albert P. Krakoff, Pittsburgh.
Mrs. Eleanor Waters, McKeesport.
Mrs. Mabel S. Counsel, Pittsburgh.
Miss Bernice Engel, Pittsburgh.
Dominic Pugliano, Pittsburgh.
Miss Margaret E. Squillante, Pittsburgh.
W. W. Canton, Pittsburgh.
A. S. Gruber, Pittsburgh.
Miss Agnes E. Fleming, Sharpsburg.
William Helmich, Munhall.
Harry B. Barnett, Pittsburgh.
J. Francis Heck, Harrison Twp.
John M. McDonough, McKees Rocks.
Chas. Stromoski, Jr., Shaler Twp.
Miss Clara Walters, Pittsburgh.
Carl W. Goettler, Pittsburgh.
Mrs. Mary E. Samuelson, Pittsburgh.
Miss Elizabeth Pardi, Pittsburgh.
Miss W. Esther Oncken, Harrison Twp.
Wm. R. Sabin, Dravosburg.
Miss Betty Shanaberger, Pittsburgh.
Fred W. Siebert, Pittsburgh.
Mrs. K. M. Amon, Emsworth.
Mrs. Rose Marie, Miller, Pittsburgh.
Jack Rogers, Stowe Twp.
Carl Straccia, Stowe Twp.
John H. Wade, North Fayette Twp.
Mrs. Jean R. Wallace, Pittsburgh.
Arthur M. Fryer, Collier Twp.
Mrs. Lucy N. Ignelzi, Pittsburgh.
Gilbert King, Pittsburgh.
K. G. Long, Pittsburgh.
Miss Mary Ann, Massarelli, Pittsburgh.

Miss Ethel J. Morris, Pittsburgh.
Mrs. Frances M. Reno, Pittsburgh.
Miss Rose M. Shupala, Pittsburgh.
Thomas A. Watkins, Pittsburgh.
C. A. Contis, Pittsburgh.
Israel Shapiro, Pittsburgh.
Miss Marion L. Ertzman, Pittsburgh.
Joseph L. Friedman, Pittsburgh.
Milton J. Hein, Ross Twp.
Mrs. Ollie L. Smith, Pittsburgh.
N. R. Comley, East McKeesport.
Mrs. Elva M. Reed, Pittsburgh.
Fred Gigler, Reserve Twp.
Charles T. Tobin, Pittsburgh.
J. C. Wallace, Pittsburgh.
Ernest K. Collyer, Pittsburgh.
William Foster, Pittsburgh.
Miss Hertel E. Kuhlman, Pittsburgh.
Clyde A. Neff, Pittsburgh.
Miss Ida E. Siegel, Pittsburgh.
J. H. Snyder, Pittsburgh.
John H. Spinnenweber, South Fayette Twp.
Miss Dorothy Jolliffe, Pittsburgh.
Miss Ruth M. Taylor, McKeesport.
W. J. Williams, Jr., Pittsburgh.
Mrs. Winifred V. Caskey, Pittsburgh
Mrs. Margery W. Riggs, Pittsburgh.
Miss Mary C. Sylvester, Pittsburgh.
Fred W. Young, Jr., Pittsburgh.
Miss Lottie R. Keys, Pittsburgh.
Dorr M. Sheppard, Pittsburgh.
Mrs. M. B. Jackson, Pittsburgh.
Miss Mary K. Kelleher, Pittsburgh
David W. Heron, Pittsburgh.
John M. McClure, Oakmont.
Mrs. Elizabeth O'Brien, Pittsburgh.
Mrs. Ida Soffer, Duquesne.
William J. Fisher, Pittsburgh.
Albert M. Berseth, Pittsburgh.
Samuel J. DiSalvo, McKees Rocks.
Miss Ann M. Ely, Pittsburgh.
Miss Anne Kefalos, Pittsburgh.
William A. McClone, Pittsburgh.
Miss Geraldine C. Russell, Pittsburgh.
Mrs. Catherine C. Simonson, Pittsburgh.
Charles J. Steinmayer, Pittsburgh.
Miss Sara E. McClinchie, Pittsburgh.
James C. Patterson, Pittsburgh.
Thomas J. Daugherty, Pittsburgh.
Charles Petach, Plum Twp.
Miss Anne Dicoskey, Forest Hills.
John C. Ferguson, Pittsburgh.
Mrs. Agnes A. Levis, Pittsburgh.
Miss Grace Vaughan, Pittsburgh.
Albert J. Brooks, Pittsburgh.

ARMSTRONG COUNTY

Ray W. Koontz, Jr., Apollo.
Clair L. Wadding, Dayton.
Miss Mary P. Painter, Kittanning.
F. W. Klingensmith, Parks Twp.
William G. Resinger, Kittanning.

BEAVER COUNTY

Mrs. Geneva M. Stout, Beaver.
Mrs. Adela M. Reno, Beaver.
Miss Ruth E. Lonkert, New Brighton
Louis F. Catalina, Conway.
H. Webb, Ambridge.
George W. Beard, Beaver.
Howard J. Cochran, Beaver.

BEDFORD COUNTY

Miss Rena M. Arnold, Bedford.
Harold B. Cessna, Jr., Bedford.

BERKS COUNTY

John I. Henne, Bernville.
Robert P. Weiherer, Reading.
Miss Ruth M. Blaum, Temple.
Miss Dorothy I. Hafer, Reading.
Mrs. Violet M. Lutz, Reading.
Alan Johnsen, West Reading.
Walter L. Sonen, Reading.
Mrs. Helen D. Keiser, West Reading.
Mrs. Edith S. Moyer, Reading.
G. Victor Rickenbach, Ontelaunee Twp
Ralph Weber, Reading.
James G. Smith, Reading.
Miss Ruth J. Souders, Reading.
Mrs. Beulah B. Stover, Reading.
Raymond B. Hilbert, Reading.
Raymond L. Haring, Boyertown.
Harry F. Moyer, Robesonia.
C. Jacob Speicher, Robesonia.
Russell A. Diefenderfer, Reading.
H. Blake Hobbs, Reading.
Miss Ida R. Heffner, Temple.
John E. Himelberger, Strausstown.
Miss Grace I. Keinard, Birdsboro.
Miss Edwina J. Stott, Reading.
Miss Dorothy C. Fry, Reading.

BLAIR COUNTY

Mrs. May C. Shields, Altoona.
Miss Beatrice Winslow, Altoona
Miss Ellene V. White, Hollidaysburg
Mrs. Eulalia M. Waring, Altoona.
George H. Akers, Altoona.
Lewis W. Gingery, Tyrone.
Miss Elleonora M. Kimmel, Altoona.
Charles E. Burket, Greeneld Twp.
Miss Regina C. Antesberger, Altoona.
George O. Calbert, Tyrone.
Miss Helen Bowles, Altoona.

BRADFORD COUNTY

Miss Frances Brown, LeRaysville.
Milton A. Cohen, Athens Twp.
Miss Teresa McAuliff, Towanda.
Robert F. Wanck, Towanda.

BUCKS COUNTY

F. Eugene Sergeant, Jr., Middletown Twp.
T. L. Beane, Doylestown.
Ralph Foster, Bristol Twp.
David H. Anderson, Yardley.
Miss M. Alice Hennessy, Doylestown.
Miss Harriet S. Parr, Morrisville.
Miss K. Hope Horn, Perkasie.
Mrs. Margaret L. Leach, Doylestown.
Thomas A. Collier, Bristol.
Miss Jeannette P. Cochran, Morrisville.

BUTLER COUNTY

Meade E. Shannon, Butler.
Otto W. Sander, Butler.
Alexander Negley, Butler.
Vincenzo DeMatteis, Butler.
Wm. D. Scott, Evansburg.
Miss Mary K. Miller, Butler.
Mrs. Sara W. Edwards, Butler.
Ira Keck, Butler.

CAMBRIA COUNTY

Miss Marie Moeller, Johnstown.
Miss Margaret C. Moran, Johnstown.
Miss D. C. Thomas, Johnstown.
Michael, Cosgrove, Gallitzin.
Miss Geraldine R. Reid, Johnstown.
John Mattie, Barnesboro.
Miss Evelyn Green, Johnstown.
Wesley G. Wilson, Cresson Twp.
Jacob Lodico, West Carroll Twp.
Miss Charlotte Pfefferl, Johnstown.

CARBON COUNTY

Miss Elaine R. Brown, Palmerton.
Claude D. Reinhard, Palmerton.
Burris T. Kressly, Lansford.
Joseph A. Yuskanish, Mauch Chunk Twp.
Frank A. Kelly, Lansford.

CENTRE COUNTY

Mrs. Jane E. Miller, Millheim.
Miss Jean Eckley, Bellefonte.
David D. Rhoads, Philipsburg.

CHESTER COUNTY

Mrs. Marian A. Meader, West Chester.
Mrs. Mildred B. Faucett, West Chester.
Miss Catherine J. Huber, West Chester.
Mrs. Margaret J. West, West Chester.
Miss Helen M. Stroud, West Chester.
S. Leon Mallalieu, Coatesville.
Joseph R. Dunbar, Phoenixville.
Charles W. Grady, Kennett Square.
Miss Catherine C. Pugliese, West Chester.
Miss Marie C. Bazzano, Kennett Square.
Harry M. Ford, Phoenixville.
Elwood W. Bailey, West Fallowfield Twp.

CLARION COUNTY

David C. Gathers, Redbank Twp.

CLEARFIELD COUNTY

Robert E. Chaplin, Coalport.
Lex K. McCloskey, Clearfield.
C. D. Ogden, Clearfield.

CLINTON COUNTY

Miss Virginia Hungiville, Lock Haven.

COLUMBIA COUNTY

Mrs. Eva Zeisloft, Centralia.
Miss Myrtle A. Fortner, Centralia.
Mrs. Edna Z. Canouse, Berwick.
John H. Shuman, Bloomsburg.
C. E. Kreisher, Catawissa.
Eugene Duncan, Cleveland Twp.

CRAWFORD COUNTY

R. O. Anderson, Meadville.
Miss Geraldine D. Breed, Meadville.
Miss Viola A. Rogers, Meadville.
Miss Claree Sellors, Sadsbury Twp.
Miss Cordelia Fleek, Titusville.
William G. Smith, Meadville.
Miss Mildred L. Powell, Meadville.
Mrs. Sabine A. Lane, Meadville.
Miss Anna Haury, Meadville.
Miss Dorothy M. Law, Meadville.

CUMBERLAND COUNTY

Paul L. Fogelsanger, Shippensburg.
Mrs. Martha H. Kauffman, Carlisle.
R G Murtoff, Carlisle.
Glenn G. Clemence, Camp Hill.
G. Leonard Fogelsonger, Shippensburg.
W. A. Riddle, New Cumberland.
Miss M. Elizabeth Ralston, Carlisle.

DAUPHIN COUNTY

J. S. Blankenhorn, Susquehanna Twp.
Clarence R. Burris, Harrisburg.
Miss Mary Alma Allin, Harrisburg.
Mrs. Marguerite D. Hayman, Harrisburg.
Miss Lucinda E. Rigling, Harrisburg.
Homer Hummel, Strickler, Hummelstown.
Edmunds L. Staats, Harrisburg.
Miss Eva E. Wigand, Harrisburg.
Miss Florence W. Hamilton, Harrisburg.
Ray E. Gruber, Hummelstown.
Miss Pauline A. Ruch, Harrisburg.
Miss Helen L. Bickle, Harrisburg.
Miss Ada M. Steely, Harrisburg.
Miss M. Elisabeth Lawver, Harrisburg.
Miss Irma E. Peifer, Harrisburg.
Lester J. Sutton, Harrisburg.
Robin E. Bennett, Harrisburg.
W. Homer, Englehart, Harrisburg.
Hewitt J. Myers, Harrisbuig.
Harry C. Harsh, Millersburg.
Clarence C. Wiker, Harrisburg.

DEI AWARE COUNTY

James M. Dunn, Upper Darby Twp.
Mrs. E. T. Scally, Upper Darby Twp.
Mrs. Dorothy F. Manwiller, Yeadon.
Miss Caroline J. Moore, Chester.
Mrs. Mabel M. Palmer, Clifton Heights.
Miss Edythe J. Draper, Radnor Twp.
Benjamin Davis, Upper Darby Twp.
James L. Johnson, Upper Darby Twp.
Hugh R. Adams, Marcus Hook.
Miss Julia T. Bigham, Haverford Twp.
John V. Hood, Upper Darby Twp.
C. N. Agnew, Radnor Twp.
Domenik Oliver, Norwood.
Lewis Orton Thayer, Upper Darby Twp.
George W. Moses, Darby.
Jos. F. Kestner, Chester.
Mrs. Grace S. David, Collingdale.
Charles Noll, Lansdowne.
O. B. Weidman, Haverford Twp.
Wayne Donahoo, Upper Darby Twp.
Miss Marie A. Finn, Chester.
William M. Parks, Radnor Twp.
Edwin W. Page, Upper Darby Twp.
James P. Reid, Norwood.
Joseph W. Bibby, Yeadon.
Benjamin Blank, Chester.
James J. Shea, Upper Darby Twp.
Miss Ruth E. Holl, Media.
Mrs. Pauline C. Hipple, Marple Twp.

ELK COUNTY

Lionel A. Klugh, Ridgway.

ERIE COUNTY

Mrs. Marie A. Newcomer, Erie.
Lloyd W. Kennedy, Erie
Miss Matilda M. Meuser, Erie.
Miss Elizabeth A. Knocsel, Erie
Miss Mary E. Keim, Erie
Louis A. Pease, North East.
Mrs. Ethel Lockwood, Erie.
Ray Martin, Erie.
Miss Beatrice M. Collinge, Erie.
H. K. Shutts, Erie.
Joseph A. Ehrman, Erie.
Ernest A. Clark, Erie.
Miss Kathryn H. Knapp, Erie.
Miss Edna M. Hauer, Erie.
Miss Dolores O. Nagorski, Erie.

FAYETTE COUNTY

Cloyd W. Derryberry, Dunbar.
Miss Mary A. Rulli, Connellsville.
R. V. Rendine, Connellsville.
Miss D. E. Williams, Uniontown.
James R. Given, Georges Twp.
Herbert E. Steinman, Masontown.
John C. Abraham, Uniontown.
Cecil P. Sutton, Point Marion.

FRANKLIN COUNTY

Miss Nena O. Crouse, Waynesboro.
Horace A. Kottcamp, Jr., Chambersburg.
Mrs. Esther B. Lickle, Waynesboro.

GREENE COUNTY

Claire Minor, Monongahela Twp.
Miss Eileen Kelly, Monongahela Twp.
W. R. Johnson, Waynesburg.
Albert R. Morgan, Waynesburg.
R. Stanley Smith, Jefferson.
Oliver Blair, Waynesburg.

INDIANA COUNTY

Miss Irene M. Kinter, Indiana.
J. M. Turner, Blairsville.
Miss C. H. Abel, Indiana.

JEFFERSON COUNTY

Herbert D. Frank, Jr., Punxsutawney.

LACKAWANNA COUNTY

Howard G. Isby, Clarks Summit.
Miss Hazel Wetherby, Scranton.
Ruel U. Capwell, Scranton.
Mrs. Elvera M. Dunnigan, Scranton.
Miss Mary H. Fox, Scranton.
Herman L. Rosenbluth, Scranton.
Mrs. Miriam Golnick, Scranton.
Mrs. Teresa B. Mannion, Scranton.
Joseph Smetana, Scranton.
Laurence F. Casey, Scranton.
Harry W. Clark, Scranton.
Miss Mary Adelaide Meighan, Scranton.

LANCASTER COUNTY

Miss Ruth S. Haldeman, Ephrata.
Ben D. Witwer, Ephrata.
Mervin S. Sauder, Manheim.
Miss Agatha McNamee, East Lampeter Twp.
Miss Naomi B. Winer, Lancaster.
Ivan S. Witwer, East Earl Twp.
Miss Myrtle M. Doner, Lancaster.
Miss Frances D. Reinhold, Marietta.
Clyde M. Whitaker, Lancaster.
F. G. Jacoby, Ephrata.
Harry B. Wittel, East Donegal Twp.
Victor W. Shaub, Manheim Twp.
C. Frederick Glass, Adamstown.
John Houder, Salisbury Twp.
Miss Dorothy I. McQuate, Lancaster.
Mrs. Gladys L. Good, Lancaster.

LAWRENCE COUNTY

Miss Olive F. Webb, New Castle.
J. H. Gibson, New Castle.
C. Edw. Duff, Little Beaver Twp.
James R. McGeorge, New Castle.
Miss Doris L. Cable, Ellwood City.
Mrs. Regina G. Nunley, New Castle.
Mrs. Gertrude M. Shaklee, New Castle.
David Lerner, New Castle.
W. R. Clement, New Castle.
Mrs. Hilda M. Bauder, Ellwood City.

LEBANON COUNTY

Robert E. Smith, Lebanon.
Miss Ruth Wiest, Lebanon.
Woodrow W. Seibert, North Lebanon Twp.

LEHIGH COUNTY

Thos. H. Ziegenfuss, Fountain Hill.
John G. Polzer, Jr., Allentown.
Chas. C. Schneck, Allentown.
Fred G. Harwick, Emmaus.
Miss Dorine Petrey, Allentown.
George W. Siegfried, Allentown.
Calvinus Knerr, Coplay.
John L. Krajsa, Allentown.
Mrs. Elsie F. Roberts, Allentown.
Jos. A. Gallagher, Allentown.
Russell H. Marsh, North Whitehall Twp.
John K. Sugg, Bethlehem.
Miss Edna C. Troxell, Allentown.
Miss Marion V. Dorwart, Allentown.
Noel B. Wertman, Allentown.
Miss Violet M. Christman, Allentown.
Wm. B. Cass, Allentown.
Mrs. Golden R. Bergstresser, Coopersburg.
Francis Gehman, Emmaus.
Garner E. Krapf, Allentown.

LUZERNE COUNTY

Joseph A. Lyman, Hazleton.
Miss Laura Bittner, Hazleton.
Richard E. Jordan, Wilkes-Barre.
Miss Carmella J. Lamonica, Hazleton.
Miss Murtie R. Boyle, Wilkes-Barre.
W.F. Nenstiel, West Hazleton.
Miss Eleanor C. Voth, West Hazleton.
John B. Perna, Hazleton.
Miss F. Pauline Wolfe, Wilkes-Barre.
William Carey, Jr., West Wyoming.
Stephen Kreshock, Plains Twp.
David G. Sayes, Wilkes-Barre.
Thomas Stashko, Hazleton.
Patrick J. Flannery, Pittston.
John L. Garbacik, Hazel Twp.
Francis T. Ferry, Hazleton.
Raymond J. Faust, Wilkes-Barre.
P. A. Sammon, Pittston.
Mrs. Elsie Sipko, Dupont.
Miss Mary Claire McCauley, Wilkes-Barre.
Miss Rose A. Chaplick, Pittston.
Hubert Markofski, Nanticoke.
Jacob J. Waxmonsky, Jenkins Twp.
Stanley J. Harmon, Wilkes-Barre.
Dick Gingher, Nanticoke.
John R. Bonner, Kingston.
R. Eugene Smith, Pittston.

LYCOMING COUNTY

Miss Mabel E. Gohrs, Williamsport.
H. T. Weaver, Williamsport.
Miss Marian Houchens, Williamsport.
Miss J. L. Rubendall, Williamsport.
Dorance E. Frymire, Williamsport.
Mrs. Mary E. Long, Williamsport.
Miss C. M. Sember, Williamsport.

McKEAN COUNTY

Mrs. Helena R. Clayton, Bradford.
Frank Rink, Foster Twp.
Louis Goodman, Bradford.
Miss Bette J. Hooker, Bradford.
Nathaniel Kirby Harris, Kane
Tom R. Blauser, Bradford.
H. B. Garvin, Bradford.
Miss Margaret M. Cullinan, Bradford.
H. J. Yerdon, Bradford.
Milton Landin, Bradford.

MERCER COUNTY

George Frankel, Farrell.
David W. Patterson, Mercer.
Mrs. Sherry M. Young, Mercer.
Miss Isabel Henshaw, Sharon.

MIFFLIN COUNTY

H. M. Riddle, Granville Twp.
John P. Hummel, Lewistown.

MONROE COUNTY

Howard F. Doll, Barrett Twp.
Mrs. Emilie E. Bush, Stroudsburg.

MONTGOMERY COUNTY

I. Ely Hough, Ambler.
Norman S. Henry, Abington Twp.
Mrs. Margaret M. Lloyd, Pottstown.

Mrs. M. Jennie Spohn, Perkiomen Twp.
Mrs. Louise McCracken, Bridgeport.
Charles A. Rieger, Jr., Lower Merion Twp.
Nelson J. Tarbotton, Lower Merion Twp.
Francis S. Trout, 3rd, Norristown.
Miss Kathryne A. Scott, Ambler.
Miss Sophie Schwenk, Souderton.
Amedee F. Weigel, Lansdale.
Miss Florence M. Irwin, Lower Merion Twp.
J. F. Ehrenzeller, Lower Merion Twp.
Mrs. Ruth H. Nash, Narberth.
P. Sheridan Corson, Abington Twp.
William C. Schmucker, Springfield Twp.
N. Herbert Moyer, Souderton.
Francis J. Mullin, Norristown.
J. Lawrence Murray, Royersford.
Robert E. Milner, Lower Merion Twp.
E. E. Simons, Bryn Athyn.

MONTOUR COUNTY

Miss Esther V. Lynn, Danville.

NORTHAMPTON COUNTY

Miss Frances H. Hess, Bethlehem Twp.
Wallace F. Grube, Bethlehem
Joseph J. Wiley, Bethlehem.
Edgar A. Coates, Bethlehem.
Mrs. Della P. Wertz, Easton.
Miss Della D. Workman, Easton.
Miss Margaret C. Foley, Bethlehem.
Ronald E. Koehler, Easton.
W. Thomas Shafer, Bethlehem.
David S. Smith Bath.
Lewis F. Kies, Hellertown.
Miss Svea M. Nord, Easton.

NORTHUMBERLAND COUNTY

Mrs. V. R. Grauer, Shamokin.
Benjamin E. Trautman, Sunbury.
Llewellyn C. Townsend, Milton.
Mrs. Elizabeth K. Clark, Milton.
John H. Snyder, Sunbury.
F. R. Musselman, Milton.

PHILADELPHIA COUNTY

William H. Lewis.
Miss A. McDowell.
Miss Clara H. Wright.
Mrs. Emma M. Becker.
Jules Forestein.
W. E. Davis, Jr.
J. D. Lodge.
Miss Margaret Lyle.
John L. Brogan, Jr.
Miss Reba Kancher.
Miss Rosalie C. Kelly.
Miss Katharine J. Bartlett.
Miss Mary G. Brogan.
James A. Drennen, Jr.
Joseph A. Lynch.
William Selmi.
Marino Sonzogni.
Miss Anna E. Woods.
Mrs. M. H. Edmunds.
Miss Emma G. Gruner.
John S. Lake.
Sidney Berger.
Martin W. Casey.
John M. Shields
August J. Budenz.
Mrs. Mildred G. Turpin.
Miss Mary B. Cleveland.
Francis E. Lee.
William J. O'Malley.
Miss Margaret E. Lee.
Miss Mary A. Lawler.
T. H. M'Calla.
Miss Margaret M. Tracey.
William J. Radcliff.
Miss A. Marie Walsh.
Harry H. Fisher.
Myer Sirott.
Miss Cecelia D. Agre.
Samuel H. Reading.
Mrs. Gertrude J. Reed.
Michael P. Scelsi.
Mrs. T. S. Thompson.
Mrs. Ethel M. Christ.
Ira B. Cochran.
Miss Suzanne Hoff.
Miss Helen Monaghan.
Carl G. Banse.
Jack W. Bishop.
Meyer Bree.
Miss Margaret M. Hyde.
Alan F. McKinley.
William Mathews.
Miss Dorothy K. Hazel.
Joseph G. Kasper.
Miss Alma M. Kepler.
Miss Bernice M. Lowenthal.
Charles A. Papa.
Martin L. Sargent.
Edward J. Grubb, Jr.
U. Bruce Kenworthy.
Miss Edwina F. Schoch.
James McF. Sherer.
Richard P. Kelly.
Edward W. Stewart.
Chas. Duchene.
John W. Fulginiti.
Miss Jane W. Allen.
Miss Ruth N. Shires.
Miss Helen I. Motson.
Miss Helen M. Hoch.
David Newhall, Jr.
Sebastiano Cucinotta.
Alvin T. Peppler.
Roland G. Wren.
William J. Neville.
J. G. Whinney, III.
Mrs. Alice O. Daniels.
Miss Natalie E. Diorio.
Miss Belle C. Toplan.
Miss Eleanor F. Duval.
Leslie O. Deans.
Miss Florence A. MacDonald.
William R. Rueter.
George M. Bloche.
Charles Kroehling.
Wm. L. Marx.
Miss Dorothy M. Nahill.
Sidney M. Baer.
George B. Bates.
Finlay Anderson.
Carl C. Hafer.
J. R. Magnus.
Wm. R. Prager.
Addison S. Ellis.
Edgar C. Brower.
Miss Sadye A. Murwitz.
John F. Jacoby, Jr.
Miss Minnie V. Conwell.
Earl W. Williams.
Miss Edith E. Tarburton.
Rocco L. Ferraro.
John Richmond, Jr.
Anthony Zaccaria.
Mrs. Ruth M. Radhe.
Miss Doris Schultz.
Miss Carlotta G. Taylor.
Bernard Binnick.
Maurice W. Fulton.
Frank A. Griesser.
Mrs. Sarah H. Leaf.
Robert D. Fretz.
Nelson W. Jones.
Miss Helen O'Neill.
Harry Woolever, Jr.

Miss Genevieve A. Farr.
Alfred A. Mehley.
Edward Paul.
P. S. Fisher.
Miss Lucille A. Gallagher
Samuel D. Weikman.
George K. Boger.
Edward W. Deiss.
H. Barton Myers.
Miss L. Anne Peters.
Albert J. Cooke.
Miss Emma B. Mann.
Mrs. Catharine F. Mursch.
Patrick J. Brennan.
Charles DiSanto.
Miss Agnes McLaughlin.
Mrs. Ada E. Beckman.
W. H. Quigley.
Miss Helen Waugh.
Mrs. Sophie Steigman.
Miss Margaret A. Durney.
Antoni Janiszewski.
Charles H. Kirk.
Frederick P. Landenberger.
James H. Livezly, Jr.
Miss Mary T. Kelly.
Miss Frances M. Day.
Miss Ruth E. Wilson.
Mrs. Annie M. Henry.
W. N. Parsons.
Miss Virginia Werden.
John N. Carson.
Miss Mona K. Fisher.
John E. Gomery, Jr.
Richard H. Mills.
Jos. E. Wadlinger.
Michael I. Sheeran.
Miss Mildred E. Mayer.
Howard E. Walker.
Miss Doris Mulford.
Thomas L. McLaughlin.
Albert E. Pomerantz.
William G. Price.
Mario Bucci.
Joseph F. Trent, Jr.
Edward M. McGinnis.
William Robert Rowland.
Miss Helen E. Connolly.
Frederick J. Knowles.
John Linwood Owens
Everett M. Perks.
Miss Catherine J. Schad.
Miss Marianne M. Whitlock.
Miss Eleanor Kearney.
H. Lawton Russell.
Russell P. Stein.

POTTER COUNTY

Mrs. Leona C. Jackson, Genesee Twp.

SCHUYLKILL COUNTY

Miss Sara M. Hill, Pottsville.
Albert Lord, Branch Twp.
Mrs. Annie M. Lawrence, Pottsville.
William M. Barr, Cressona.
Miss Marguerite T. Rosenberger, Pottsville.
Robert W. Zerbe, Pine Grove Twp.
Cornelius B. Walters, New Philadelphia.

SOMERSET COUNTY

Mrs. Mary R. Walker, Berlin.
Frank R. Corliss, Somerset.
Mrs. Martha Shanks, Rockwood.
Joe R. Hunter, Somerset.
Mrs. Dorothea H. Booser, Windber.

SULLIVAN COUNTY

Mrs. Marceil Thomas, Forksville.

SUSQUEHANNA COUNTY

Gerald C. Dunbar, Susquehanna.
O. H. Truhn, Susquehanna.
Miss Alice Harris, Montrose.

TIOGA COUNTY

Basil J. Reese, Wellsboro.
Vernon S. Miller, Tioga.
John A. Isban, Blossburg.

UNION COUNTY

Miss Kathryn Groover, Lewisburg.

VENANGO COUNTY

Miss Kathryn G. Stanton, Franklin.
Mrs. Ethel L. Stewart, Oil City.
Miss Ruth L. Custer, Franklin.

WARREN COUNTY

Walter R. McKown, Warren.
Francis C. Kennedy, Warren.
Mrs. Agnes M. Mong, Warren.
Miss Zella E. Ault, Warren.
Emmett J. Henry, Sheffield Twp.
E. H. Beshlin, Warren.

WASHINGTON COUNTY

Edwin P. Smith, Washington.
Miss Phoebe Kennedy, California.
Miss Mary A. Callery, Finleyville.
Miss Ann Berger, Washington.
Edgar J. Pollock, Washington.
Mrs. Irene Hoover, Washington.
Frank Tokay, Donora.
Raymond J. Curley, Washington.
G. E. Koedel, Donora.
Harold Ream, Roscoe.
Miss Mary E. Knestrick, Washington.
Mrs. Lois Carroll Lavery, Charleroi.
C. W. Rohrkaste, Washington.
Miss Dorothy Freedman, Washington.
H. B. Purdy, Smith Twp.
Charles J. Merz, Canonsburg.
Mrs. Elizabeth F. Keating, Charleroi.
Charles E. Noble, Finleyville.
Mrs. Stephana L. Keener, Washington.
Miss Dorothy Leyland, Washington.

WAYNE COUNTY

Louis A. Fine, Honesdale.

WESTMORELAND COUNTY

Charles Cornell, North Belle Vernon.
Miss Anna Belli, New Kensington.
Evans Walton, Greensburg.
Miss Mattie Hohn, Greensburg.
Mrs. Christine D. McCauley, West Newton.
A. R. Long, Greensburg.
Miss Louise Miller, Greensburg.
D. Loucks D. Shaffer, Jeannette.
Mrs. Katherine A. Campfield, Irwin.
Miss Marguerite M. McAtee, Latrobe.
John W. Hunger, Arnold.
Paul S. Barnhart, Greensburg.
Ray Bortz, Greensburg.
Paul H. Shrader, Jeannette.
Mrs. Sara V. Cope, Greensburg.
Bert Faust, Greensburg.
Willis J. Hutchins, Irwin.
Miss Flora D. Sciullo, Vandergrift.

WYOMING COUNTY

Mrs. Esther J. Davis, Factoryville.

YORK COUNTY

Edward W. Cook, Dover Twp.
Mrs. Pauline B. Stokes, York.
Spurgeon E. Rohrbaugh, West York.
Miss Helen C. Kopp, York.
L. J. Frecon, York.
Jein B. Mummert, York.
Marvin H. Shaffer, York.
Wilbur S. Liggitt, York.
Miss Margaret M. Sheaffer, York.
Miss Dorothy Danner, York.
Mrs. Ethel L. Anstine, Stewartstown.
Mrs. Louise E. Newcomer, York Haven.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa. May 6, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, the following named persons to be Commissioners of Deeds, for the term of five years, to compute from the dates set opposite their names:

Frank L. Baker, Boston, Massachusetts, July 6, 1939.
David D. Forman, Newark, New Jersey, August 25, 1939.
Irving Bershader, Callicoon, New York, February 21, 1940.
Louis Gould, Wildwood, New Jersey, March 20, 1940.

ARTHUR H. JAMES.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EALY and Mr. HEYBURN

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EALY and Mr. HEYBURN

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Kunkel, | Ruth, |
| Cavalcante, | Fulton, | Lanius, | Scarlett, |
| Chapman, | Gelder, | Letzler, | Shapiro, |
| Coleman, | Geltz, | Mallery, | Sipe, |
| Crowe, | Gilson, | McCreesh, | Snowden, |
| Dando, | Haluska, | McGinnis, | Stevenson, |
| Dent, | Heyburn, | Miller, | Stiefel, |
| DiSilvestro, | Homsher, | Owlett, | Tallman, |
| Ealy, | Jacobs, | Pierson, | Thomas, |
| Edmonds, | James, | Reed, | Walker, |
| Eroe, | Jaspan, | Rice, | Woodward, |
| Farrell, | Kephart, | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. CROWE. Mr. President, I second the motion.

The motion was agreed to.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBERS OF THE BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

J. B. Bell, Windber, from May 2, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF LOCUST MOUNTAIN STATE HOSPITAL

Evan Williams, Frackville, from April 29, 1940, for a term of four years and until his successor is qualified.

Joseph Nevadomski, Shenandoah, from April 29, 1940, for a term of four years and until his successor is qualified.

(Mrs.) Hawthorne L. Ball, Mahanoy City, from April 29, 1940, for a term of four years and until her successor is qualified.

Edward Strolis, Shenandoah Heights, from April 29, 1940, for a term of four years and until his successor is qualified.

John Ritz, Palo Alto, from April 29, 1940, for a term of four years and until his successor is qualified.

Herbert Ratzburg, Ringtown, from April 29, 1940, for a term of four years and until his successor is qualified.

Robert Davidson, Brockton, from April 29, 1940, for a term of four years and until his successor is qualified.

Harry Loeb, Wiggan, from April 29, 1940, for a term of four years and until his successor is qualified.

Donald Boyd, Shenandoah, from April 29, 1940, for a term of four years and until his successor is qualified.

ARTHUR H. JAMES.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

REASONS FOR PARDONS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1940.

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for pardons granted by me from January 17, 1939 to date.

ARTHUR H. JAMES.

(For reasons see Appendix.)

## HOUSE MESSAGES

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, May 6, 1940.

Resolved (if the House of Representatives concur), That the Senate and House of Representatives meet in Joint Session, Monday evening May 6, 1940, at 8 o'clock, Eastern Standard Time, (9 o'clock, Daylight Saving Time) in the Hall of the House for the purpose of hearing an address by His Excellency, the Governor of the Commonwealth.

He also being introduced informed the Senate that the

House has concurred in Resolution from the Senate as follows:

In the Senate, May 6, 1940.

Resolved (if the House of Representatives concur), That a Committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House (if the House shall appoint such committee) to escort the Governor to the Hall of the House to address the members of the General Assembly in Joint Session at 8 o'clock, P. M. Eastern Standard Time (9 o'clock Daylight Saving Time) May 6, 1940, pursuant to a concurrent resolution already adopted by the Senate and House of Representatives.

The PRESIDENT. The President Pro Tempore announces the appointment of the following committee: the Senator from Montgomery, Mr. Edmonds, the Senator from Chester, Mr. Scarlett and the Senator from Adams, Mr. Rice.

The PRESIDENT. The Chair suggests that the above committee appointed to escort His Excellency, the Governor to the Hall of the House be in the Senate at 7:30 o'clock, P. M., in order that they may, in company with a similar committee to be appointed by the House of Representatives, be prepared to escort His Excellency, the Governor to the Hall of the House. His Excellency, the Govrnor's address, will be broadcast and it is necessary that it begin promptly.

## HOUSE MESSAGES

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, May 6, 1940.

Resolved (if the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives make arrangement for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and the Appropriations Committee provide for the cost of the same in the bill providing for the expense of the Extraordinary Session.

He also being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, May 6, 1940.

Resolved (if the House of Representatives concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly the sum of $250.00 on account of the salary, and $50.00 in postage to which each member is entitled for an Extraordinary Session of the General Assembly by virtue of the provisions of the Act of Assembly approved the 2nd day of June, A. D. 1933, P. L. 1422, and as amended by Act of Assembly approved the 28th day of May, A. D. 1937, P. L. 999, and the balance of said salary on the day of final adjournment of the Extraordinary Session of the General Assembly, convened in session on call of the Governor, April 29, 1940.

## RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess until 7:30 o'clock E. S. T.; 8:30 o'clock, D. S. T.

Mr. KEPHART. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

## SENATE PROCEEDS TO HOUSE OF REPRESENTATIVES TO HEAR GOVERNOR'S MESSAGE.

A Committee on the part of the House of Representatives being introduced informed the Senate that the Committee on the part of the House of Representatives is now ready to escort the Senate to the Hall of the House to attend the Joint Session of the General Assembly.

Whereupon,

The President and members of the Senate proceeded to the Hall of the House of Representatives.

## SENATE RETURNS FROM THE HOUSE OF REPRESENTATIVES.

After some time the President and Senators returned to the Senate Chamber.

## HOUSE MESSAGE

### TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, May 6, 1940.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 13, 1940, at 8 o'clock, Eastern Standard Time, (9 o'clock, Daylight Saving Time), and when the House of Representatives adjourns this week it reconvene on Thursday afternoon, May 16, 1940, at 3 o'clock, Eastern Standard Time, (4 o'clock, Daylight Saving Time).

### RESOLUTION AUTHORIZING ELECTION OF OFFICERS AND EMPLOYES OF THE SENATE, EXTRAORDINARY SESSION OF 1940, TO FILL EXISTING VACANCIES:

Mr. CHAPMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 6, 1940.

Resolved That the followinig persons be elected officers and employes of the Senate, Extraordinary Session of 1940, to fill existing vacancies:

ASSISTANT CLERK

Russel B. Gulick, 82 Shewell Avenue, Doylestown. Vice E. B. Watson, resigned.

TRANSCRIBING CLERKS

John Thomas, 14 Carl Street, Kingston. Vice Evan J. Hughes, resigned.

William C. Hard , Harrisburg. Vice Frank Zola, resigned.

CHIEF ASSISTANT SERGENT-AT-ARMS

Walter F. Grace, Kennett Square. Vice E. J. Russell resigned.

ASSISTANT SERGEANTS-AT-ARMS

Richard Pentecost, Forest City. Vice Chris Wertz, resigned.

Harry M. Attig, Renovo. Vice Earl N. Ferguson, resigned

PASTER AND FOLDER

Albert Beech, 1535 Clark Street, Wilkinsburg. Vice William A. Logan, resigned.

CLERKS TO COMMITTEES

W. E. Hill, Wellsboro. Vice Robert Cob, resigned.

Frank Delaney, 520 Arthur Street, Philadelphia. Vice Charles Miller, resigned.

Frances Beaver, Huntingdon. Vice Richard Oyler, resigned.

Otto Stradley, Montoursville. Vice Fred Speaker, resigned.

CUSTODIAN, COMMITTEE ROOMS

Michael Edward Lazor, 10th & Pierce Streets, Sharpsville. Vice Michael J. Muller, resigned.

PAGES

Lewis Hess, 1513 N 6th Street, Harrisburg. Vice Clarence Fardy, resigned.

Shirley Togan, 634 Boas Street, Harrisburg. Vice Oliver L. Jackson, resigned.

B. S. Hefkin, 2026 N 5th Street, Harrisburg. Vice C. L. Shearer, resigned.

ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Tuesday, May 7, 1940, at 9:30 o'clock A. M. Eastern Standard Time.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 8:30 P. M. Eastern Standard Time and 9:30 P. M. Daylight Saving Time, until May 7, 1940 at 9:30 A. M. Eastern Standard Time and 10:30 A. M. Eastern Daylight Saving Time.

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## HOUSE OF REPRESENTATIVES

Monday, May 6, 1940.

EXTRAORDINARY SESSION

The Speaker, the Honorable Ellwood J. Turner, called the House to order.

The SPEAKER. This being the day and the hour fixed by His Excellency, the Governor of the Commonwealth in his proclamation convening the General Assembly in Extraordinary Session by virtue of the authority conferred upon him under Article IV, Section 12 of the Constitution of Pennsylvania, the Members of the House of Representatives here assembled will now come to order.

PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Almighty God, Thou who hast been our dwelling peace in all generations, we come again to the sacred duties to which we have been called, hence we approach the throne of divine help and wisdom.

Direct our minds and rule our hearts. Grant us true conceptions and wise understandings of the sacred duties we owe to our Commonwealth. Make each of us worthy of the confidence and trust reposed in us, so that with unswerving fidelity we may be faithful to the duties and sanctities of both public and private life.

Grant Thy favor upon our Governor, day by day abide with our Speaker, guide and sustain each member and officer of this House.

Teach all of us that righteousness not only exalteth the nation but also the individual.

May the faithful performance of our duties during this extraordinary session be such, as to bring a blessing to the firesides of all our people.

All of which we ask in the name of thine only Son, our Saviour, O righteous God. Amen.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

PROCLAMATION OF THE GOVERNOR

In the Name and by Authority of the
COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE

PROCLAMATION

By virtue of the authority vested in me by Article IV, Section 12 of the Constitution, I, Arthur H. James, Governor of the Commonwealth of Pennsylvania, do hereby convene the General Assembly in extraordinary session, to meet in the Capitol, at Harrisburg, on Monday, May sixth, one thousand nine hundred forty, at three o'clock, post meridian (Eastern Standard Time) of that day, to consider legislation upon the following subjects:

1. Appropriations for payment of public assistance and for payment of administrative, auditing and disbursement expenses relating thereto.
2. Appropriation to provide aid to financially handicapped school districts.
3. Appropriations to pay the expenses of the extraordinary session of the General Assembly.
4. Appropriation to the Joint State Government Commission for the continuance of its work.
5. In order to make funds available in the General Fund to meet the appropriations mentioned above, legislation providing for:

(a) The transfer of moneys to the General Fund from various special funds in the State Treasury and the subsequent reimbursement of such special funds out of the General Fund;

(b) Reductions in such appropriations made by the General Assembly at its session of one thousand nine hundred thirty-nine as may be practicable.

6. Legislation necessary to conform the provisions of the Unemployment Compensation Law to the new definition of "wages" contained in the provisions of the Federal Internal Revenue Code, as amended, which now relate to, and impose, the Federal Unemployment Tax.
7. Legislation necessary to conform the provisions of the Public Assistance Law to the new definition of the term "dependent children" contained in Title IV of the Federal Social Security Act, as amended.
8. Legislation necessary to permit the Pennsylvania Turnpike Commission to construct a turnpike from a point at or near Middlesex, in Cumberland County, to the Delaware River, at or near Philadelphia, and to issue turnpike revenue bonds, payable solely from tolls, to pay the cost of such construction.
9. Legislation providing for the transfer of such moneys from the Veterans' Compensation Fund to the Sinking Fund as may be available to meet the interest and Sinking Fund requirements of the Veterans' Compensation Bonds issued under authority of the act, approved the fifth day of January, one thousand nine hundred thirty-four (1933-1934, P. L. 219), as amended.
10. Legislation necessary to permit the Department of Property and Supplies to supervise and operate the Northwest Office Building, now occupied by the Pennsylvania Liquor Control Board.
11. An amendment to the Pennsylvania Election Code to provide for the filling of vacancies occurring in the membership of either branch of the General Assembly when it is not in session, or has not been called into extraordinary session.

GIVEN under my hand and the Great Seal of the State, at the City of Harrisburg, this twenty-ninth day of April, in the year of our Lord, one thousand nine hundred forty, and of the Commonwealth the one hundred sixty-fourth.

(Seal of Pennsylvania)

ARTHUR H. JAMES.

By the Governor:
S. M. R. O'HARA,
Secretary of the Commonwealth.

RESIGNATIONS

The SPEAKER laid before the House the resignations of the following members and the acknowledgements thereof which were read by the Clerk:

Commonwealth of Pennsylvania,
House of Representatives, Harrisburg, January 8, 1940.

Hon. Ellwood J. Turner,
Speaker, House of Representatives,
Harrisburg, Pennsylvania.

My dear Mr. Turner:

Since the Legislature was not in session at the time of my appointment as Assistant State Director of the Education-Recreation Program of the Work Projects Administration, I realized that it was not necessary for me to tender immediately my resignation from the House of Representatives, but I do think that it would, perhaps, be well for me to do so at this time.

I feel that my new work offers a very fine opportunity for public service, nevertheless, it is with a feeling of deep regret that I sever my connection with the House of Representatives, for my brief legislative experience was one of the most pleasant, most stimulating experiences of my entire life. And I do want you to know, Mr. Turner, how much your gracious, friendly attitude toward everyone, added to the pleasure of my association with the members of the House.

Sincerely yours,

CRYSTAL BIRD FAUSET.

January 10, 1940.

Mrs. Crystal Bird Fauset,
5403 Vine Street,
Philadelphia, Pennsylvania.

My dear Mrs. Fauset:

This will acknowledge yours of the eighth tendering your resignation as a member of the House, because of your recent appointment as Assistant State Director of the Education-Recreation Program of the Work Projects Administration.

I shall submit the same to the next session of the Legislature.

May I express my appreciation of your very kind words, and that I shall miss you in the future. While we differed on many important problems, nevertheless, I respected your intelligent approach as to these subjects before the Legislature.

With kindest personal regards, and wishing you all success in your new undertaking, I remain,

Very truly yours,

ELLWOOD J. TURNER,
Speaker.

Commonwealth of Pennsylvania,
House of Representatives, Harrisburg, December 26, 1939.

Honorable Ellwood J. Turner, Speaker,
House of Representatives,
Harrisburg, Pennsylvania.

My dear Speaker:

I hereby tender my resignation as a member of the House of Representatives from the Fourteenth Legislative District of Philadelphia to take effect immediately, so as to enable me to take my oath of office as a member of City Council of Philadelphia, to which I was elected on November 7th, 1939.

May I express to you my sincere thanks for the courtesies that you have shown me during the four terms I have served in the Legislature, and my sincere hope that you will enjoy the full measure of success in your future endeavors.

Very truly yours,

ROBERT S. HAMILTON.

December 28, 1939.

Honorable Robert S. Hamilton,
3838 Terrace Street,
Philadelphia, Pennsylvania.

My dear Mr. Hamilton:

This will acknowledge your letter of the 26th tendering your resignation as a member of the General Assembly of Pennsylvania from the Fourteenth Legislative District of Philadelphia.

I understand that you are resigning because of your election as a member of the City Council of Philadelphia.

I shall miss your helpful presence in the House.

I wish for you all success in your new office.

I will submit your letter to the next Session of the Legislature.

Very truly yours,

ELLWOOD J. TURNER,
Speaker.

Commonwealth of Pennsylvania,
House of Representatives, Harrisburg, December 21, 1939.

Hon. Ellwood Jackson Turner
Room 602, Crozier Building
Chester, Pa.

Dear Mr. Turner

I hereby tender my resignation as a member of the Legislature, representing the Twenty-first Judicial District, to take effect December 31, 1939.

My resignation is impelled by reason of my election as a member of Council of the City of Philadelphia.

Respectfully yours,

THOMAS H. ALLEN.

December 29th, 1939.

Hon. Thomas H. Allen
2912 Turner Street,
Philadelphia, Pennsylvania.

My dear Mr. Allen:

This will acknowledge receipt of your letter of December 21st, 1939, submitting your resignation as a member of the Legislature, representing the Twenty-first Judicial District, to take effect December 31st, 1939.

I shall file the same in the office at Harrisburg to be presented to the next Session of the Legislature.

I shall miss your smiling countenance in the House, and wish you all good luck in your new office.

Sincerely yours,

ELLWOOD J. TURNER,
Speaker.

Commonwealth of Pennsylvania,
House of Representatives, Harrisburg, December 30, 1939.

Hon. Ellwood J. Turner, Speaker,
House of Representatives,
Harrisburg, Pensylvania.

Dear Mr. Turner:

Having been elected Sheriff in Lycoming County, I am herewith tendering my resignation as a Member of the General Assembly, as prescribed by law in this Commonwealth of Pennsylvania, effective as of this date.

I should like to take this opportunity to assure you that it has been a genuine pleasure to work with you throughout the time I served as an Assemblyman. If, at any time, there is anything I might do for you, or your colleagues, please do not hesitate to call upon me.

Very sincerely,

J. F. MATTHEWS.

January 3rd, 1940.

Hon. Jacob F. Matthews,
2416 West Fourth Street,
Williamsport, Pennsylvania.

My dear Mr. Matthews:

This will acknowledge receipt of your letter of December 30th, 1939, submitting your resignation as a member of the Legislature.

I understand that you are resigning because of your election as Sheriff in Lycoming County.

I shall miss your helpful presence in the House, and I wish you all success in your new office.

I will submit your letter to the next Session of the Legislature.

Very truly yours,

ELLWOOD J. TURNER,
Speaker.

## ROLL CALL

The SPEAKER. The Clerk will call the roll.

The roll of the members was called by the Clerk and the following members were present.

PRESENT—193

| | | | |
|---|---|---|---|
| Achterman, | Ewing, | Lichtenwalter, | Schrock, |
| Ackermann | Finnerty, | Lovett, | Schrope, |
| Allmond, | Fisher, | Lyons, | Schwab, |
| Alspach, | Fiss, | Madden, | Self, |
| Andrews, | Flanagan | Malloy, | Serrill, |
| Atkins, | Fleming, | Malone, | Shaw, |
| Auker, | Foor, | Marr, | Shearer, |
| Baker, | Freed, | McClester, | Simons, |
| Balliet, | Fullerton, | McGarrity, | Skale, |
| Balthaser, | Furman, | McKinney, | Sloan, |
| Bardes, | Gates, | McLane, | Snyder, |
| Bennett, | Gillan, | McNally, | Sollenberger, |
| Bohn, | Gillette, | McVay, | Stambaugh, |
| Boies, | Goll, | Melchiorre, | Stank, |
| Boney, | Gorski, | Mihm, | Stewart, |
| Boorse, | Habbyshaw, | Montgomery, | Stockham, |
| Boose, | Haines | Mooney, | Sweeney, |
| Bower, | Hall, | Moran, | Tahl, |
| Boyd, | Harbeson, | Moser, F. S., | Tarr, |
| Bretherick, | Harkins, | Moser, J. L., | Taylor, |
| Broad, | Haudenshield, | Muir, | Terry, |
| Bronson, | Henry, | Munley, | Thistle, |
| Brown, H. S., | Hess, | O'Brien, | Thompson, E. F. |
| Brown, S. W. | Hewitt, | O'Connor, | Thompson, G. R. |
| Brunner, | Hindman, | O'Dare, | Tiemann, |
| Burns, | Hocke, | O'Keefe, | Tronzo, |
| Burris, | Hoffman, J. N., | O'Neill, | Trout, |
| Cadwalader, | Hoffman, S. K., | Peacock, | VanAllsburg, |
| Calvin, | Holland, | Peale, | Van Belle, |
| Carpenter, | Hoyt, | Powers, | Voorhees, |
| Check, | Huntley, | Preston, | Wagner, |
| Chervenak, | Imbrie, | Readinger, | Watkins, |
| Christley, | Irvin, | Reagan, | Webster, |
| Clark, | James, | Reese, D. P., | Weiss, |
| Clearwater, | Jirolanio | Reese, R. E., | Welsh, E. B., |
| Cook, | Johnston, | Regan, | Welsh, M. J., |
| Cooper, | Jones, | Reynolds, | Westrick, |
| Cordier, | Kane, | Rhodes, | Wilkinson, |
| Corrigan, | Keenan, | Rider, | Williams, |
| Cortese, | Kenehan, | Riley | Wilson, |
| Curran, | Kilroy, | Robertson, | Winner, |
| Dalrymple, | Kline, | Rooney, | Wood, H. M., |
| Denman, | Knoble, | Rose, | Wood, L. H., |
| Dick, | Kowalski, | Roseberry, | Wood, N., |
| Dix, | Krise, | Rosenfeld, | Woodside, |
| Donahue, | Lee, | Rothenberger | Yeakel, |
| Downey, | Leisey, | Sarge, | Turner, |
| Eckels, | Levy | Sarraf, | Speaker. |
| Ely, | Leydic, | | |

The SPEAKER. One hundred and ninety-three members having answered to their name a quorum of the House is present. The House is ready to proceed with the business of the session.

## LEAVE OF ABSENCE

Mr. Trout asked and obtained leave of absence for Mr. ROYER.

## RESOLUTIONS

### RULES OF HOUSE

Mr. WOODSIDE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 6, 1940.

Resolved, That the rules adopted at the last session of the House of Representatives be the rules of this extraordinary session.

### COMMITTEE TO WAIT UPON SENATE

Mr. STOCKHAM offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 6, 1940.

Resolved, That a committee of three be appointed by the Speaker to wait upon the Senate and inform that body that the House of Representatives is convened in Extraordinary Session, pursuant to the Call of His Excellency, the Governor of the Commonwealth, in his Proclamation dated April 29th, 1940, and is ready to proceed with the business of the Session.

### APPOINTMENT OF COMMITTEE

The SPEAKER. The Chair appoints as a Committee to wait upon the Senate and inform that body that the House is organized and ready to proceed with business, Messrs. Stockham, Huntley and Homer E. Brown.

The Committee will proceed in the performance of its duty.

### COMMITTEE TO WAIT UPON GOVERNOR

Mr. SCHROCK offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 6, 1940.

Resolved, That a committee of three be appointed by the Speaker to wait upon His Excellency, the Governor of the Commonwealth, and inform him that the House of Representatives is convened in Extraordinary Session in conformity with his Proclamation of April 29th, 1940, and is ready to receive any communication he may wish to make.

### COMMITTEE APPOINTED TO WAIT UPON GOVERNOR

The SPEAKER. The Chair appoints as a committee to wait upon His Excellency, the Governor, Messrs. Schrock, Shearer and Miss Brancato.

## STANDING COMMITTEES

The SPEAKER. The Chair states for the information of the members of the House that the Standing Committees of the House as constituted in the regular session of 1939 will serve as the Standing Committees of this Extraordinary Session.

## ADDRESS BY SPEAKER

The SPEAKER The Chair finds in the agenda for the opening of the Special Session the statement "Address by the Speaker." The Speaker desires to say that he is delighted to see the members of the Legislature present, although he regrets that the business of the Commonwealth makes it necessary to have the added expense of an Extraordinary Session.

It is a great pleasure and it is with much gratification that I can say to the members of the House that we have had no losses by death during the interim between the closing of the 1939 Session and this date. I trust we shall have none among those who are called by the citizens of the Commonwealth to carry on the affairs of the Legislature in 1941. I trust, although it seems unnecessary to say, that the members of the Legislature will approach the tasks of the 1940 Extraordinary Session with the same fine spirit that they approached the tasks in the 1939 Regular Session.

Recently I had the opportunity to address an organization interested in political economy, and one of the things that I regretted afterwards that I failed to say was that in an appraisal of the Legislature one should take into consideration the human element, and that fine spirit of comradeship that seems to exist within the Legislature that crosses party lines. I have been here for many, many special sessions as well as regular sessions It seems to me it is almost like the old circus horse or the fire horse, when he smells sawdust and hears the gong ring, he wants to return to meet his fellow members of the Legislature. That was noticable today as the members came here and greeted each other, the same spirit, the same clubby sort of fellowship pervaded the membership of the House in this Extraordinary Session as it has in the past.

We have a task to perform. The Chair hopes that the members will tackle that task with expedition so that we may leave the halls as soon as possible and return to our constituents. The degree in which we may return, the standards upon which we may return, may to some extent be controlled by what we do here. Let us do it in a spirit that is in the best interests of the Commonwealth; let us perform the task as we see it and put it across as expeditiously as we can, in consideration of the magnitude of the business that is before the House.

### COMMITTEE APPOINTMENT

The SPEAKER. At the request of the Minority Leader the Chair will substitute for the appointment on the committee to wait upon the Governor of the lady from Philadelphia, Miss Brancato, the gentleman from Northampton, Mr. Jirolanio.

### REPORT AND DISCHARGE OF COMMITTEE

Mr. STOCKHAM. Mr. Speaker, your committee appointed to inform the Senate that the House has convened and is ready for business has performed that duty.

The SPEAKER. The committee is discharged with the thanks of the House.

### REPORT OF WESTERN SAVING FUND SOCIETY OF PHILADELPHIA

The SPEAKER laid before the House the report of the Western Saving Fund Society of Philadelphia as on November 6, 1939 which was read by the Clerk. (For report see Appendix).

### REPORT OF WESTERN SAVING FUND SOCIETY OF PHILADELPHIA

The SPEAKER laid before the House the 93rd annual report of the auditors of the Western Saving Fund Soci- November 6, 1939 which was read by the Clerk. (For report see Appendix).

### REPORT OF SAVING FUND SOCIETY OF GERMANTOWN

The SPEAKER laid before the House the 85th annual statement of the Saving Fund Society of Germantown which was read by the Clerk. (For report see Appendix).

### REPORT OF THE PHILADELPHIA SAVING FUND SOCIETY

The SPEAKER laid before the House the report of the Philadelphia Saving Fund Society for the year ending December 31, 1939 which was read by the Clerk. (For report see Appendix).

### REPORT OF DOLLAR SAVINGS BANK

The SPEAKER laid before the House the 169th semi-annual report of the Dollar Savings Bank of Pittsburgh which was read by the Clerk. (For report see Appendix).

### PARLIAMENTARIAN APPOINTED

The SPEAKER. In compliance with the Act of Assembly, approved the 28th day of May, 1931, the Speaker appoints S. Edward Moore, Cumberland County, Parliamentarian.

### STATEMENT BY SPEAKER

The SPEAKER. The members of the House undoubtedly know that the Governor will address a Joint Session at 8 o'clock this evening. There will be no tickets for the House. The usual procedure will be followed up to the time that the Senate enters the Hall of the House and is seated. After the Senate is seated the doors will be opened to the public until the address of the Governor has been completed.

### RULES COMMITTEE APPOINTMENT

The SPEAKER. The Chair appoints the gentleman from Philadelphia, Mr. Robert Boyd, as a member of the Committee on Rules, to fill the vacancy caused by the resignation of Mr. Robert S. Hamilton of Philadelphia County.

### REPORT AND DISCHARGE OF COMMITTEE

Mr. SCHROCK. Mr. Speaker, your committee appointed to wait upon His Excellency, the Governor, and inform him that the General Assembly is organized, has performed that duty.

The SPEAKER. The Chair extends the thanks of the House to the Committee.

### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency the Governor which were laid upon the table.

### NOTIFICATION FROM THE SENATE

A Committee on the part of the Senate being introduced informed the House that the Senate is now organized and ready to proceed with the business of the session.

### COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows

### REQUEST TO ADDRESS JOINT ASSEMBLY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1940.

To the Honorable the General Assembly of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I should like to address the members in Joint Session this evening, at eight o'clock, Eastern Standard Time.

ARTHUR H. JAMES.

GOVERNOR INVITED TO ADDRESS JOINT ASSEMBLY

Mr. WAGNER. Mr. Speaker, I move that the Governor be invited to the Hall of the House to address the General Assembly at a time to be fixed by concurrent resolution.

The motion was agreed to.

## SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 6, 1940.

Resolved, (If the House of Representatives concur) That the Chief Clerks of t Senate and House of Representativs make arrangement for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, and the Appropriations Committee provide for the cost of the same in the bill providing for the expenses of the Extraordinary Session.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION FOR CO NCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 6, 1940.

Resolved (If the House of Representatives concur), That the Senate and House of Representatives meet in Joint Ssssion Monday evening, May 6, 1940, at 8 o'clock, Eastern Standard Time, (9 o'clock, Daylight Saving Time) in the Hall of the House for the purpose of hearing an address by His Excellency, The Governor of the Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 6, 1940.

Resolved (If the House of Representatives concur), That the State Treasurer be and is hereby authorized to pay on warrant of the Auditor General to each member of the General Assembly the sum of $250.00 on account of the salary, and $50.00 in postage to which each member is entitled for an Extraordinary Session of the General Assembly by virtue of the provisions of the Act of Assembly approved the 2nd day of June, A. D. 1933, P. L. 1422, and as amended by Act of Assembly approved the 28th day of May, A. D. 1937, P. L. 999, and the balance of said salary on the day of final adjournment of the Extraordinary Session of the General Assembly, convened in session on call of the Governor, April 29, 1940.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which read as follows:

REASONS FOR PARDONS

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 6, 1940.

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for pardons granted by me from January 17, 1939 to date.

ARTHUR H. JAMES.

(For Reasons for Pardons see Appendix).

## SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 6, 1940.

Resolved (If the House of Representatives concur), That a Committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House (if the House shall appoint such committee) to escort the Governor to the Hall of the House to address the members of the General Assembly in Joint Session at 8 o'clock P. M., Eastern Standard Time (9 o'clock Daylight Saving Time) May 8, 1940, pursuant to a concurrent resolution already adopted by the Senate and House of Representatives.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE APPOINTED TO ESCORT GOVERNOR

The SPEAKER. The Chair appoints as a committee to act in conjunction with a similar committee on the part of the Senate to escort the Governor to the Hall of the House, Messrs. Boyd, Cooper and Reddinger.

Ordered, that the Clerk inform the Senate accordingly.

COMMITTEE TO ESCORT SENATE

Mr JOHN N. HOFFMAN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 6, 1940.

Resolved, That the Chair appoint a committee of two to escort the Members of the Senate to the Hall of the House for the purpose of attending the Joint Session of the General Assembly this day at Eight o'clock Eastern Standard Time.

COMMITTEE APPOINTED TO ESCORT SENATE

The SPEAKER. The Chair appoints as a committee to escort the Senate to the Hall of the House, Messrs. John W. Hoffman and O'Keefe.

## SENATE MESSAGE

### RESOLUTION OF CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 6, 1940.

Resolved (If the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 13, 1940 at eight o'clock P. M., Eastern Standard Time, (nine o'clock Daylight Saving Time), and when the House of Representatives adjourns this week it reconvene on Thursday afternoon, May 16, 1940, at three o'clock, Eastern Standard Time, (four o'clock Daylight Saving Time.)

## ANNOUNCEMENT

Meeting of the Committee on Rules at 7 p. m. in the Speaker's Office.

## RECESS

The SPEAKER. If there be no objection the Chair will now declare a recess until 7:30 p. m. The Chair hears none, and a recess is declared.

## AFTER RECESS

The House reconvened at 7.30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

## REPORT AND DISCHARGE OF COMMITTEE

Mr. JOHN N. HOFFMAN. Mr. Speaker your committee appointed to escort the members of the Senate to the Hall of the House for the purpose of attending a Joint Session has performed that duty and the members of the Senate are now present.

The SPEAKER. The committee is discharged with the thanks of the House.

The President of the Senate is invited to preside over the Joint Session of the General Assembly; the President Pro Tempore is invited to a seat on the rostrum and the members of the Senate will be seated in the chairs provided for them in the front of the House.

## JOINT SESSION

### LIEUTENANT-GOVERNOR SAMUEL S. LEWIS PRESIDING

The SERGEANT-AT-ARMS OF THE SENATE. Mr. President, I have the honor to present to you the Committee appointed to escort the Governor of the Commonwealth to the Hall of the House to address the General Assembly.

Mr. EDMONDS. Mr. President, I have the honor to present to you His Excellency, the Governor of the Commonwealth.

LIEUTENANT-GOVERNOR LEWIS. Members of the General Assembly, I have the pleasure at this time to present His Excellency, the Governor of the Commonwealth, Arthur H. James, who will now address the General Assembly.

## ADDRESS OF THE GOVERNOR

GOVERNOR ARTHUR H. JAMES. To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

Under some circumstances, the subject on which I wish to speak to you tonight would be a controversial one. Our problem is that the relief appropriations made a year ago are nearing exhaustion. This special session was summoned to appropriate more money for that purpose.

But there are two reasons which incline me to believe that the present session can be harmonious and brief—that it can be what I hope my talk will be tonight, short and to the point.

The first reason which leads me to think that the problem will be easy of solution is that the administration has the money it needs. We are not faced with the serious task of raising new revenues, but only of making the money we already have in sight available for relief purposes. In the main we propose merely to take the money we already have out of one pocket and put it in another.

As all of my listeners doubtless already have noticed, the question of levying new taxes is not even referred to in the call under which the present special session was summoned.

The other reason why I see no cause for serious controversy at this session is that the subject under consideration is one to which the two political parties of this state are both pledged. That is the question of providing adequate assistance for those who, because of unemployment, physical handicaps or other reasons, cannot support themselves.

Everyone listening to my voice, I am certain, is opposed to using human misery for making political capital. There would be no excuse for anyone permitting the present session to be used as a propaganda mill for any political purpose, and I for one certainly do not intend to take advantage of my own position here tonight to make a political speech.

All of the proposals contained in the summons for this session are non-political in nature, and all of them are readily subject to investigation and determination on their merits within a relatively brief space of time. That is just as true of the one highly important subject of relief as it is of the several other matters to which I have directed the Legislature's attention.

Of the subjects listed in the call, there was one and one alone which was important enough to warrant a special session. I refer to the question of making a further relief appropriation. The other matters involve corrections and amendments which I believe will be both helpful and appealing enough to call for almost unanimous support. These secondary matters are sufficienty well identified by the call itself, and I shall not refer further to them tonight. What I wish to do is to give you a summary of the material which is being submitted to the Legislature.

I am recommending an appropriation of $71,850,000 for public assistance. I made the statement that the administration has the funds needed for the new appropriation for relief. Let me amplify that, and tell you where this money is to be found. It comes from three types of sources—first, various funds from which money can be borrowed for a period of months; second, from economies which this administration has been able to put into effect, thus making available excesses of appropriations over needs in various state departments; and third, from the excess of various revenues over the amounts estimated at the beginning of the biennium.

These are the various sources from which we must get the money we need for relief. Let me take each of them up with you briefly to make clear the proposed methods.

Typical of the various funds from which we plan to borrow is the Motor License or Highway Fund.

Reports from the Highway Department, along with the increase in the estimate of motor license fund revenues, show that there will be an unexpended balance in that fund, as of May 31, 1941, of thirty-seven million dollars. Very little of that money is in the fund now—the bulk of it will be received in payment for automobile licenses in the spring of 1941.

Let me make clear that this is money which under no circumstances could be expended on highways until the summer of 1941. A highway isn't something that the state decides upon on Monday, and starts building on Tuesday. Because of seasonal and engineering and other factors, highway construction is a long-range matter. The department must plan months ahead.

I might point out to you that the amount being expended on highway work between April 1, 1940, and May 31, 1941, is eighty-four million dollars, several millions more than in any similar period between 1936 and the beginning of 1939. There has been no holding back of highway work to build up a surplus for relief purposes.

Preliminary steps already are being taken, I am informed, for the highway work to be done in the summer of 1941. But this program is distinctly part of the next biennium. The money for it will not be needed until June, 1941, by which time it will have been repaid out of general funds. Let me say again, whether this money gathers dust in the highway fund or is permitted to do a job of work for the relief rolls, it can be of no service to the highway program until after the date set for its repayment.

It is because this money lies idle for a period of months that from time to time various administrations have borrowed from this fund. Such borrowings are not diversion. It is putting to work money which otherwise would be unemployed. It would constitute diversion only if it were not repaid, and the present administration is fully pledged to repay that money during June of 1941, in exactly the same manner as we repaid a similar loan from the same fund during the spring of 1939.

Transfers are recommended from other funds from which transfers have been made several times before. Like the Motor License funds every cent of these transferred moneys will be repaid, except that the transfer recommended from the Veterans Compensation Fund is of excess funds. This will in no way interfere with payment of claims as they come along.

The second class of money which it is proposed to make available for relief, as I said before, is the result of savings in state departments. The total of such savings which will be available is approximately four and one-half million dolars. Let me remind you that these savings came out of a barrel that already had been scraped pretty clean, for they represent further reductions under a budget that was slashed twenty per cent a year ago. This administration found drastic economy imperative to meet its inherited obligations.

The words "deficit financing" have been much in the air recently. It might be well for us to remember tonight that the preceding administration gave your present executive a job of deficit financing to do—a task of meeting seventy-one and a half million dollars of inherited deficits and other obligations for which no income had been supplied. How much of this legacy of debt we will be able to absorb in this biennium remains to be seen, but in the discussion of State finances, this very large red-ink entry should not be forgotten.

Remember — when we came into office we found not only that the financial cupboard was bare, but that a seventy-one and a half million dollar mortgage had been plastered on that cupboard.

The savings which this administration has made may be divided into various classes. Examples of one type of savings include scrapping of the Thompson School act and the second General State Authority act, with an over all savings of a hundred and fifty millions in those two items alone. Not spending that money does not mean we still have it. The State never had it. If it had been spent, it would have meant that the State would have been forced to levy additional taxes to get itself out of debt.

A second type of savings was the reduction of the cost of operating the State government by seventeen million. Still another was cancelling and postponing obligations established by the preceding administration amounting to eighteen million dollars.

The savings which we have effected in our actual disbursements include eight million dollars which was salvaged out of the appropriations that ran out a year ago—saved and applied to relief and they include such items as a saving by thrifty highway administration of $10,300,000 during 1939—saving of that much in maintenance and administration. That ten million three hundred thousand dollars was promptly turned back into highway work. It financed the so-called "intermediate" highway program, the bulk of which is now under way.

The saving of four and a half millions more which it is my pleasure to report to you represents the accumulations of the funds of various state departments which it has been found unnecessary to spend to keep state services operating properly. I should like to remind you again that those in charge of these departments undertook their present work with one dollar out of every five less than their predecessors.

A large amount of these savings grow out of such economies as reduction in number of employes. We have been operating with two thousand fewer employes than were on the payrolls when the administration began.

The third source from which money for relief will become available is that of unexpected increases in our revenues. These improved receipts, of course, reflect the improved business conditions of the past year. The increased estimates are as follows:

GENERAL FUND

| | |
|---|---|
| Capital Stock Tax | $3,500,000.00 |
| Corporate Net Income Tax | 2,000,000.00 |
| Insurance Premiums Tax—Foreign | 250,000.00 |
| Institutional Reimbursements (Welfare) | 250,000.00 |
| Gasoline Tax (Special Emergency) | 500,000.00 |
| Cigarette Tax (Special Emergency) | 500,000.00 |
| Total | $7,000,000.00 |

MOTOR LICENSE FUND

| | |
|---|---|
| Liquid Fuels Tax | $2,500,000.00 |
| Motor Licenses and Fees | 3,500,000.00 |
| Total | $6,000,000.00 |

To summarize, the $73,369,000. which I am recommending that you make available for appropriation comes from savings of about $4,500,000, increase in estimated revenues $13,000,000, additional estimated lapses of $900,000, and transfers amounting to $55,050,000.

The fact that from these various sources there can be made available a total of nearly seventy-two millions of dollars for relief greatly simplifies the problem of this Legislature. If this money was not where we could use it for relief purposes, we would be faced with the alternatives of allowing relief to break down or of levying new taxes.

We now come to another important consideration. If upwards of seventy-two million dollars are made available for relief, how long will it last? I wish to say, as emphaticaly as lies within me, that no one is in a position to estimate the relief needs of Pennsylvania during the next twelve months.

A year ago, when we appropriated a hundred and twenty millions for relief, it was freely predicted that that amount would be exhausted by last January. Actually, in seven months we gained five months, and the sum which we were told would be all gone by January is going to last until nearly June.

Likewise, we were told that the administration would levy a hundred million dollars in new taxes during 1939. When that year ended without a cent of new taxation, the prophets revised their forecasts to say the new taxes were inevitable during 1940.

Now that the present session has been summoned without any mention of new taxes in the call, I note from the newspapers that the prophets have again revised their predictions and are saying that new taxes are inevitable duringn the spring of 1941.

Time has twice disproven these forecasts. I will leave it to time to dispose of the third version. But I will say again, what I have said before, that the likelihood of need for new taxes grows less day by day. We are in infinitely sounder position today than eighteen months ago.

If business and private employment continue to improve in the next few months on the scale of the last few months, and if the Federal authorities carry their proper share of the burden of unemployment in Pennsylvania, the appropriation will be enough for the balance of the biennium.

The factors which permitted us to gain five months in seven in our relief expenditures were, first, thrift and efficiency in the administration of state finances, and second, a wave of reemployment which has taken half a million persons off relief in this state. By reason of various causes, not the least of which was a more enlightened attitude on the part of the state administration towards the problems of business and industry, private employment during 1939 absorbed a third of the burden of unemployment in the keystone state.

Those factors were on the credit side of the ledger. On the debit side was the fact that WPA employment in Pennsylvania was slashed almost sixty per cent in ten months, and that the relief funds of this State were drained supporting heads of families who by all the yardsticks of fair play were entitled to WPA jobs.

That is a matter which I do not choose to pursue tonight. I do wish to point out, however, that the failure of WPA to do its proper share of the relief work in Pennsylvania meant that tens of thousands of Pennsylvanians had to live on relief checks instead of WPA checks. And I wish further to emphasize that this failure cost the taxpayers of this State at least twenty-six million dollars in relief funds—enough relief money to have carried until next fall.

The relief load Pennsylvania is carrying is now approximately 189,000 cases, the lowest for two years. Actually, the combined work relief-direct assistance load is at the lowest spring level since 1932, and except for the brief period of the 1937 boom is the lowest of any season in those eight years.

There is every reason for optimism concerning the future. Conditions are improving. Pennsylvania again is marching up the hill.

I wish to take this opportunity of thanking all the men and women of Pennsylvania for their help and support and cooperation thus far in my administration, and to tell them again that without their loyalty during the various trying periods of the last sixteen months, very few of our accomplishments would have been possible.

I believe I may say that all of the members of my administration have kept firmly in our minds that this is your government.

I feel that the men and women of this State recognize their responsibility during such periods as this special session of weighing the various suggestions and policies and of determining whether they are sound and proper.

I offer you my cooperation and the cooperation of my administration in expediting the work of this session.

STATEMENT I

THE GENERAL FUND BUDGET
April 30, 1940
WITHOUT GOVERNOR'S SPECIAL SESSION RECOMMENDATIONS

| | | |
|---|---|---|
| Cash balance June 1, 1939 | | $ 3,157,422.76 |
| Revenue collected to April 30, 1940 | | 170,544,438.44 |
| Tax notes sold | | 130,000,000.00 |
| Receipts appropriated for special purposes | | 25,648,558.80 |
| Total available to April 30, 1940 | | $329,350,420.00 |
| Payments on appropriation liabilities to April 30, 1940 | | 296,680,764.50 |
| Cash balance May 1, 1940 | | $ 32,669,655.50 |
| Revenue estimated for remainder of biennium May 1, 1940 to May 31, 1941 | | 212,974,561.56 |
| Transfer due from Liquor Control Board (1939 P. L. 191) | | 5,000,000.00 |
| Total available May 1, 1940 to May 31, 1941 | | $250,644,217.06 |
| Appropriation liabilities May 1, 1940 (Not including any appropriations by the Special Session) | $247,212,655.28 | |
| Lapses Estimated from May 1, 1940 to May 31, 1941 | 4,469,000.00 | 242,743,655.28 |
| Estimated unappropriated balance May 31, 1941 | | $ 7,900,561.78 |

STATEMENT II

GOVERNOR'S BUDGET RECOMMENDATION TO THE SPECIAL SESSION OF MAY 6th, 1940

FUNDS AVAILABLE:

| | | |
|---|---|---|
| 1. | Estimated Unappropriated General Fund Balance, May 31, 1940 | $ 7,900,000 |
| 2. | Transfer from the Motor License Fund under present Estimate of Revenue | 31,000,000 |
| 3. | Increase in Estimate of Motor License Fund Revenue | 6,000,000 |
| 4. | Transfer from the Fire Insurance Tax Fund | 2,300,000 |
| 5. | Transfer from the Liquor License Fund | 7,250,000 |
| 6 | Transfer from the Liquid Fuels Tax Fund | 11,000,000 |
| 7. | Transfer from the State School Fund | 2,000,000 |
| 8. | Reduction in Departmental and Institutional Appropriations for the 1939-1941 Biennium | 4,419,000 |

| | |
|---|---|
| 9. Reduction in the Appropriations for Interest and Sinking Fund Payments on Veterans' Compensation Bonds. (To be offset by use of part of balance in Veterans' Compensation Fund) | 1,500,000 |
| TOTAL FUNDS AVAILABLE | $ 73,369,000 |

APPLICATION OF FUNDS:

| | |
|---|---|
| 1. Expenses of the Special Session | $ 245,000 |
| 2. Interest on Tax Anticipation Notes | 239,000 |
| 3. Aid to Financially Handicapped School Districts | 1,000,000 |
| 4. Public Assistance, Including any Administrative Costs | 71,850,000 |
| 5. Additional Appropriation - Joint State Government Commission | 35,000 |
| TOTAL RECOMMENDED | $ 73,369,000 |

STATEMENT III

REDUCTIONS IN DEPARTMENTAL GENERAL FUND APPROPRIATIONS RECOMMENDED BY THE GOVERNOR

| Department | Reduction Recommended |
|---|---|
| Governor's Office | $ 27,500 |
| Department of Agriculture | 80,000 |
| Department of Banking | 25,000 |
| Department of Commerce | 50,000 |
| Department of Forests and Waters | 119,000 |
| Department of Health | 965,600 |
| Insurance Department | 30,000 |
| Department of Labor and Industry | 100,000 |
| Department of Mines | 10,000 |
| Department of Property and Supplies | 1,600,000 |
| Department of Public Instruction | 154,900 |
| Public Utility Commission | 50,000 |
| Department of Revenue | 250,000 |
| Department of Welfare | 957,000 |
| TOTAL GENERAL FUND APPROPRIATION REDUCTIONS RECOMMENDED | $ 4,419,000 |

STATEMENT IV

EXPENDITURES OF STATE FUNDS FOR VARIOUS TYPES OF PUBLIC ASSISTANCE JUNE, 1939—APRIL, 1940

| | General Assistance | Old-Age Assistance | Aid to Dependent Children | Blind Pensions | Administration and Miscellaneous* | Total |
|---|---|---|---|---|---|---|
| 1939 | | | | | | |
| June | $ 7,438,000 | $ 876,000 | $ 722,000 | $ 366,000 | $ 1,412,000* | $ 10,814,000 |
| July | 7,615,000 | 868,000 | 727,000 | 369,000 | 1,379,000* | 10,958,000 |
| August | 9,221,000 | 864,000 | 738,000 | 372,000 | 1,341,000* | 12,536,000 |
| September | 8,805,000 | 859,000 | 749,000 | 373,000 | 1,397,000* | 12,183,000 |
| October | 7,620,000 | 854,000 | 754,000 | 375,000 | 1,415,000* | 11,018,000 |
| November | 6,656,000 | 850,000 | 763,000 | 377,000 | 1,340,000* | 9,986,000 |
| December | 6,301,000 | 842,000 | 780,000 | 380,000 | 1,387,000* | 9,690,000 |
| 1940 | | | | | | |
| January | 6,196,000 | 971,000 | 666,000 | 380,000 | 1,404,000* | 9,617,000 |
| February | 6,024,000 | 1,003,000 | 695,000 | 378,000 | 1,222,000* | 9,322,000 |
| March | 6,331,000 | 1,020,000 | 739,000 | 380,000 | 1,326,000* | 9,796,000 |
| April | 5,845,000 | 1,045,000 | 768,000 | 380,000 | 1,275,000* | 9,313,000 |
| TOTAL—11 MONTHS | $78,052,000 | $10,052,000 | $8,101,000 | $4,130,000 | $14,898,000* | $115,233,000 |

* NOTE: The column headed "Administration and Miscellaneous" includes expenditures for the following: (1) Administration of Department of Public Assistance and of the County Boards of Public Assistance; (2) auditing of Public Assistance by the Department of the Auditor General; (3) disbursing of Public Assistance by the Treasury Department; (4) emergency relief grants; (5) medical relief; (6) burials; (7) sponsorship of some W. P. A. projects, principally sewing projects; (8) operation of the Employment Board; (9) conduct of claim settlements and collections; and (10) distribution of surplus commodities.

STATEMENT V

SAVINGS BY STATE DEPARTMENT OF HIGHWAYS

| Class of Work | Actual 1938-39 Budget (January 1, to May 31, 1939) | Estimated 1939-40 Budget | Estimated 1940-41 Budget | Total Actual and Estimated Savings |
|---|---|---|---|---|
| Administration | $1,695,595.49 | $ 2,015,000.00 | $1,375,000.00 | $ 5,085,595.49 |
| Maintenance | 2,335,202.26 | 7,058,000.00 | 5,280,000.00 | 14,673,202.26 |
| Special Work | 427,889.49 | 566,000.00 | 243,000.00 | 1,236,889.49 |
| Land Equipment Etc. | ..... | 700,000.00 | 850,000.00 | 1,550,000.00 |
| TOTAL | $4,458,687.24 | $10,339,000.00 | $7,748,000.00 | $22,545,687.24 |

STATEMENT VI

AMOUNT MADE AVAILABLE FOR RELIEF WITHOUT NEW TAXES DURING THIS ADMINISTRATION

| | |
|---|---|
| Reduction in Cost of Operating State government | $17,000,000 |
| Cancelled and Postponed Obligations Established by Former Administration | 18,000,000 |
| Savings—January 17, 1939 to May 31, 1939 | 8,000,000 |
| Reductions in Appropriations Recommended to Special Session | 4,419,000 |
| Increase in Estimated Revenues | 13,000,000 |
| Total Made Available Without New Taxes | $60,419,000 |

LIEUTENANT-GOVERNOR LEWIS. In behalf of the Senators and members of the House, the chair wants to thank you, Governor James, for the honor you have conferred upon us and for your excellent address.

## ADJOURNMENT OF JOINT SESSION

LIEUTENANT-GOVERNOR LEWIS. The business for which the Joint Session of the General Assembly was convened having been transacted, the Joint Session is adjourned. The Senators will immediately assemble in the Senate Chamber.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

### PRESENTATION OF BILLS

The SPEAKER. The Chair desires to announce to the House that the members may now present bills by filing them with the Bill Clerk.

## RESOLUTION

### EMPLOYES OF HOUSE

Mr. WINNER offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, May 6, 1940

Resolved That the following be appointed to the personnel of the House of Representatives:

ASSISTANT SERGEANTS-AT-ARMS

J. E. McGoldrick, 1339 S. 54th St., Philadelphia, vice William Shaffer (deceased) 1211 S. 54th St., Philadelphia.

Richard Waldron, 2026 E. Lehigh Ave., Philadelphia, vice Robert Sheak, 2312 Cedar St., Philadelphia.

William O. Hunsicker, Perkasie, vice John Y. Turner.

Robert Hunt, Radnor, Pa., vice Thomas Arena, Wayne.

FILING CLERK

Charles A. Slemmer, 4252 N. Carlisle St., Philadelphia, vice Willard Smith, 633 W. 30th St., Philadelphia.

PASTER & FOLDER

Anthony Martino, 828 Christian St., Philadelphia, vice Frank Ramagano, 736 Christian St., Philadelphia.

PAGES

Mickey Santanna, 2039 Greenwood St., Harrisburg, vice Richard Jury, 408 Center St., Millersburg.

Robert Weiss, 1104 N. 17th St., Harrisburg, vice Richard Miller, 145 W. Areta St., Hershey.

Edward J. Faley, 2006 N. Sixth St., Harrisburg, vice Carl Sipe, 2033 Logar St., Harrisburg.

Charles Fasnacht, Hummelstown, vice Ernest Reisch, Elizabethville.

J. Donald Stevens, 1082 Main St., Oberlin, vice John MacDaniels.

Kenneth C. Clendenin, 316 Maple Ave., Marysville, vice Amos Clendenin, Marysville.

Charles R. Mitchell, 409 N. West St., Carlisle, Pa., vice, James E. Brown, 443 N. West St., Carlisle, Pa.

TRANSCRIBING CLERKS

W. E. Griffiths 229 N. Main St., Taylor, vice Frank G. Whitbeck, 515 Division St., Clarks Summit.

Mary Heilman, 409 McKean St., Kittanning, vice Lucille Ellenberger.

John C. Smith, R. D. 7, York, vice J. Howard Mainfold.

Charles K. Schezter, R. D. 1. Greenville, vice Robert A. Moore.

CLERKS TO COMMITTEES

M. Stella Backenstoss, 632 Camp St., Harrisburg, vice Elizabeth Shropshire.

John Service, 687 S. Oakland St., Sharon, vice Robert C. Madge.

Harvey Williams, Summit Avenue, Bryn Mawr, vice Robert C. Chilton.

EXPERT TYPIST

Mildred M. Kohlhepp, 425 Hyde St., Ridgway, vice Clare Peters.

HOUSE STENOGRAPHER

William Barnes, 224 Briggs St., Harrisburg, vice David Christopher.

OFFICIAL REPORTER

Hugh B. Hayes, Upland, vice W. P. Roan.

POSTMASTER

A. Domain, 5 Roosevelt Way, Sharpsburg, Pa., vice Edward J. Parke, Sewickley.

PROOF READER

George W. Holland, Fishertown, Pa., vice Paul W. McDaniel, Everett, Pa.

CUSTODIAN

John Hanselman, Rebersburg, Pa., vice Fred Thompson (deceased) Bellefonte.

## RESOLUTION

### SYMPATHY EXTENDED

Messrs. LEISEY and BRONSON offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, May 6, 1940.

Hon. J. Llewellyn Meredith, Jr., a Member of this House during the regular session of the General Assembly of 1929 and 1931 died on the third day of August, 1939.

Mr. Meredith was born in West Chester, Pennsylvania, in 1872, attended the public schools of Chester County and after seven years work as clerk in a hardware store established and successfully conducted a hardware business of his own.

He served for four years as a member of borough council and as a director of a building and loan association in West Chester.

In 1928 he was elected a Member of the House from the Second District of Chester County and was reelected in 1930, therefore be it

Resolved, That this House extends its sincere sympathy to his widow, Mrs. Lillian B. Meredith and directs that a copy of this resolution be transmitted to her by the Chief Clerk of this House.

## RECESS

The SPEAKER. If there is no objection the Chair will declare a recess until 9:15 p. m. Is there objection?

The Chair hears none and declares a recess until 9:15 p. m.

## AFTER RECESS

The House reconvened at 9:15 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

## RESOLUTION

### SYMPATHY EXTENDED

Mr. SLOAN offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, May 6, 1940.

The Honorable Morris Elmer Hoover, a member of this House during two regular sessions of the General Assembly, died on the 13th day of last June at Houstontown, Fulton County.

Born April 3, 1880, in the district he represented in this House, Mr. Hoover was educated and afterwards taught in the public schools, he graduated from Eastman Business College, and practiced as an accountant for several years before becoming a member of the firm of Hoover Brothers, merchants.

He was elected a member of this House in 1922 and again in 1924, and served his constituents with marked ability during two regular sessions.

After his retirement from active participation in politics, he became editor of the Fulton Democrat, a newspaper of wide circulation in his home community, and continued his editorial work until his death last June.

He is survived by three brothers, W. W. Hoover of Chicago, Illinois, S. M. Hoover of Buffalo, New York, and E. J. Hoover of New Granada, Pennsylvania; therefore be it

Resolved, That the House extends its deepest sympathy to those brothers who survive him, and to his friends and neighbors in Fulton County to whom his decease was so great a loss; and be it further

Resolved, That the Chief Clerk shall transmit a copy of this resolution to his surviving brothers, and that a copy thereof shall be printed in the Legislative Journal.

## BILLS INTRODUCED AND REFERRED

By Mr. STOCKHAM. HOUSE BILL No. 1.

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accured or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE. HOUSE BILL No. 2.

An Act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE. HOUSE BILL No. 3.

An Act transferring money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE. HOUSE BILL No. 4.

An Act transferring money from the Liquor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE. HOUSE BILL No. 5.

An Act transferring money from the Fire Insurance Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

By Mr. WOODSIDE. HOUSE BILL No. 6.

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Referred to the Committee on Appropriations.

By Mr. CORTESE. HOUSE BILL No. 7

An Act to amend the act, approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-three), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with the General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or its projects", by reducing the amount appropriated.

Referred to the Committee on Appropriations.

By Mr. H. M. WOOD. HOUSE BILL No. 8.

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

Referred to the Committee on Appropriations.

By Mr. McKINLEY. HOUSE BILL No. 9.

An Act to amend the act, approved the ninth day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects", by reducing the amount appropriated.

Referred to the Committee on Appropriations.

By Mr. WOOD. HOUSE BILL No. 10.

An Act to amend certain appropriation items contained in section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine, (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "'An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine.

Referred to the Committee on Appropriations.

By Mr. COOPER. HOUSE BILL No. 11.

An Act to provide for the expenses of the extraordinary session of the Legislature assembled May sixth, one thou-

sand nine hundred forty, in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth, one thousand nine hundred forty.

Referred to the Committee on Appropriations.

By Mr. CORDIER. HOUSE BILL No. 12.

An Act making an appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

By Mr. TROUP. HOUSE BILL No. 13.

An Act to amend clause (u) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven), entitled "Unemployment Compensation Law", by redefining, for certain purposes of the act, the term "wages."

Referred to Committee on Judiciary General.

By Mr. HABBYSHAW. HOUSE BILL No. 14.

An Act to amend paragraph (a), paragraph (b), as amended, and paragraph (c) of section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined", by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building, now occupied by the Pennsylvania Liquor Control Board.

Referred to the Committee on State Government.

By Mr. BOOSE. HOUSE BILL No. 15.

An Act to amend section six hundred twenty-eight of the act approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections", by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

Referred to the Committee on Elections.

By Mr. KNOBLE. HOUSE BILL No. 16.

An Act to further amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board", by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

Referred to the Committee on Welfare.

By Mr. CHRISTLER. HOUSE BILL No. 17.

An Act to amend sub-section (u) of Section four of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L., 1937, 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," redefining the term "wages."

Referred to Committee on Judiciary General.

By Messrs. HOMER S. BROWN and CHRISTLER. HOUSE BILL No. 18.

An Act to further amend section two and clause (b) of section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by eliminating the requirement that milk orders shall be included in cases where relief is given.

Referred to the Committee on Welfare.

By Mr. HOLLAND. HOUSE BILL No. 19.

An Act making a deficiency appropriation to the Department of Public Assistance for the purposes of carrying out the Public Assistance Law for the two fiscal years ending May thirty-first, one thousand nine hundred forty-one; and limiting the method in which the same may be expanded.

Referred to the Committee on Appropriations.

By Mr. HOLLAND. HOUSE BILL No. 20.

An Act making an appropriation for public assistance; providing for the allocation thereof by the Department of Public Assistance to, and expenditure by, cities, boroughs, and townships on work relief projects for the maintenance and improvement of streets and roads in connection with federal grants administered through the Works Progress Administration.

Referred to the Committee on Appropriations.

By Mr. O'CONNOR. HOUSE BILL No. 21.

An Act making an appropriation to aid certain school districts.

Referred to the Committee on Appropriations.

By Mr. CURRAN. HOUSE BILL No. 22.

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County, to a point at or near the City of Philadelphia; and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation, and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpikes; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Referred to the Committee on State Government.

By Mr. LOVETT. HOUSE BILL No. 23.

An Act to amend sections four hundred one, four hundred three and four hundred four of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties." by reducing the waiting period, and by increasing the weekly amount of compensation and the number of weeks during which the same shall be paid.

Referred to Committee on Judiciary General.

## COMMITTEE MEETINGS

There will be meetings on Tuesday, May 7, of the Committees on:

Appropriations at 11 a. m. in the House Caucus Room.

Elections, at 10:30 a. m. in Room 323.

Judiciary General, at 10:30 a. m. in Room 324.

State Government, at 10 a. m. in Room 330.

Ways and Means, at 10:15 a. m. in Room 147.

Democratic Caucus at 9:30 a. m. in the House Caucus Room.

The Chair would request the Chairmen of the Committees to which bills have been referred to get their bills promptly in the morning at the Speaker's Office.

## ADJOURNMENT

Mr. WEBSTER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1 p. m.

The motion was agreed to, and (at 9:36 p. m.) the House adjourned until Tuesday, May 7, 1940, at 1 p. m.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

**Extraordinary Session of 1940.**

Vol. 24. HARRISBURG, PA., TUESDAY, MAY 7, 1940. No. 2.

## SENATE

TUESDAY, May 7, 1940

The Senate met at 9:30. a. m. Eastern Standard Time. The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

### PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

O God, whose Divine plan hath run throughout all ages, how fitting for us to pause a few moments in Thy Holy presence, that we may humbly ask Thee to lead our minds and hearts according to that plan! It should not be for us in our positions of grave responsibility blindly to project our finite wills into Thy infinite will, nor to desire to do so until we speak with Thee who art perfect in wisdom and understanding.

Therefore, we come now to Thee rising in our places and presenting our individual petitions for Divine guidance within our hearts and consequently, upon the accomplished labors of this day. We remember how Thou hast said: "It is a good thing to show forth Thy loving kindness in the morning and Thy faithfulness every night". We need Thy guidance each day.

May Thy blessing richly rest upon all the arduous labors, in accord with Thy will, of Thy servants, the Governor and Lieutenant Governor of our Commonwealth, each member of the General Assembly, upon each employee connected therewith and upon all who aid in satisfying the human need of our fellow citizens of this great State. May we all mediate our differences of opinion at the altar of harmonious endeavor in the common interest of true legislation. We pray in Thy holy name. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELDER and Mr. SCARLETT, the further reading was dispensed with, and the Journal was approved.

### NOMINATIONS BY THE GOVERNOR

#### NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

### CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 7, 1940, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

#### ALLEGHENY COUNTY

Mrs. Jane H. Keith, Pittsburgh, 1319 Farmers Bank Bldg., May 11, 1940.
George C. Lineman, Pittsburgh, 815 Wylie Avenue, May 11, 1940.
Mrs. Ida M. Seneff, Turtle Creek, May 11, 1940.

#### BLAIR COUNTY

Mrs. Irene Fickes, Altoona, May 11, 1940.

#### DAUPHIN COUNTY

Albert M. Krieg, Harrisburg, May 11, 1940.

#### DELAWARE COUNTY

Mrs. Mildred A. Scott, Swarthmore, May 11, 1940.

#### ERIE COUNTY

Mrs. Ruth M. Krill, Erie, May 11, 1940.
Miss Helen McCaskey, Erie, May 11, 1940.
Bruce M. Morrison, Erie, May 11, 1940.
Howard N. Plate, Erie, May 11, 1940.
Miss Frances E. Tefft, Erie, May 11, 1940.

#### FOREST COUNTY

Mrs. Beulah M. Crider, Hickory Twp., East Hickory, May 11, 1940.

#### HUNTINGDON COUNTY

J. W. Bagshaw, Huntingdon, May 11, 1940.

#### INDIANA COUNTY

Ralph C. Brown, Blairsville, May 11, 1940.

#### LANCASTER COUNTY

Miss Bertha E. Resh, Lancaster, May 11, 1940.
H. B. Slack, Leacock Twp., Intercourse, May 11, 1940.

LUZERNE COUNTY

Miss Florence McCaffrey, Wilkes-Barre, May 11, 1940.

PHILADELPHIA COUNTY

Joseph G. Ansill, Phila., 1620 South 49th Street, May 11, 1940.
Ernest J. Bobbing, Phila., 447 East Somerset Street, May 11, 1940.
Elmer F. Buri, Phila., 6133 Rising Sun Avenue, May 11, 1940.
Mrs. Rose W. Clements, Phila., 5515 Wissahickon Avenue, May 11, 1940.
I. Leo Hoffman, Phila., 1040 Phila. Saving Fund Building, May 11, 1940.
Samuel Sagan, Phila., 223 South 60th Street, May 11, 1940.
Edward W. Sliker, Phila. 8043 Frankford Avenue, May 11, 1940.

WASHINGTON COUNTY

B. A. Sichitano, Bentleyville, May 11, 1940.

ARTHUR H. JAMES

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1940.

To the Honorable the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Gladys M. Andrews, Pittsburgh, 610 Professional Building.
Miss Ruth Kopelman, Pittsburgh, Keystone Building.

BERKS COUNTY

Hayes Robbins, Jr., Reading.

CAMBRIA COUNTY

Harry V. Hahn, Johnstown.

FAYETTE COUNTY

John S. Rhoads, Brownsville.

LANCASTER COUNTY

Mrs. Dorothy M. Moyner, Lancaster.

LUZERNE COUNTY

Miss Doris B. Schneider, Hazleton.

MONROE COUNTY

John F. Hulbert, Barrett Twp., Box 426, Buck Hill Falls.

PHILADELPHIA COUNTY

Mrs. Rose A. Bachman, Phila., 8016 Bingham Street.
Edward Goldsmith, Phila., 804 North 2d Street.
Frank W. Slowik, Phila., 2308 Orthodox Street.

TIOGA COUNTY

Mrs. Helen S. Rose, Mansfield.

ARTHUR H. JAMES.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. EALY.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. EALY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Jaspan, | Pierson, |
| Chapman, | Fulton, | Kephart, | Reed, |
| Coleman, | Gelder, | Kunkel, | Rice, |
| Crowe, | Geltz, | Lanius, | Ruth, |
| Dando, | Gilson, | Letzler, | Scarlett, |
| Dent, | Haluska, | Mallery, | Shapiro, |
| DiSilvestro, | Heyburn, | McCreesh, | Sipe, |
| Ealy, | Homsher, | Miller, | Snowden, |
| Edmonds, | Jacobs, | Mundy, | Stevenson, |
| Eroe, | James, | Owlett, | Wolfenden, |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

## RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess until 12 O'clock, noon, E. S. T.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

## REPORT FROM COMMITTEE

### MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Mr. EALY from the Committee on Executive Nominations reported with a favorable recommendation the following nomination, made by His Excellency, the Governor of the Commonwealth:

May 7, 1940

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

The Committee on Executive Nominations of the Senate herewith reports with a favorable recommendation the name of Ralph W. Thorne, Williamsport, Pennsylvania, who was nominated by the Governor of the Commonwealth as a member of the Pennsylvania Public Utility Commission, to serve from July 12, 1939, for the residue of the term ending April 1, 1949.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. EALY

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. EALY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Letzler, | Scarlett, |
| Cavalcante, | Fulton, | Mallery, | Shapiro, |
| Chapman, | Gelder, | McCreesh, | Sipe, |
| Coleman, | Geltz, | McGinnis, | Snowden, |
| Crowe, | Gilson, | Miller, | Stevenson, |
| Deitrick, | Haluska, | Mundy, | Stiefel, |
| Dent, | Heyburn, | Owlett, | Tallman, |
| DiSilvestro, | Homsher, | Pierson, | Thomas, |
| Ealy, | James, | Reed, | Walker, |
| Edmonds, | Kephart, | Rice, | Wolfenden, |
| Eroe, | Kunkel, | Ruth, | Woodward, |
| Farrell, | | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

## COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

### APPROVAL OF RESOLUTION ON POSTAGE FOR MAILING THE LEGISLATIVE JOURNAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

A Resolution of the Senate and House of Representatives authorizing the Chief Clerks of the Senate and House of Representatives to make arrangement for the necessary postage so that the Legislative Journal may be mailed according to the requirements of the Post Office Department, etc.

### APPROVAL OF RESOLUTION RELATIVE TO PAYMENT OF SALARIES OF MEMBERS OF THE GENERAL ASSEMBLY

A Resolution of the Senate and House of Representatives authorizing the State Treasurer to pay on warrant of the Auditor General to each member of the General Assembly the sum of $250.00 on account of the salary, and $50.00 in postage to which each member is entitled for an Extraordinary Session of the General Assembly, and the balance of said salary on the day of final adjournment of the Extraordinary Session of the General Assembly.

ARTHUR H. JAMES

## RECESS

Mr. OWLETT. Mr. President I move that the Senate do now take a recess until 1:30 P. M., E. S. T.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

## QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, last night there was a resolution offered in this Senate that when the Senate adjourns this week it reconvene on Monday evening May 13, 1940, at 8 o'clock Eastern Standard Time, and when the House of Representatives adjourns this week it reconvene on Monday evening May 13, 1940, at 8 o'clock Eastern Standard Time.

When that resolution came back, Mr. President, apparently it had been changed somewhere to Thursday of next week and few of us, if any present, noticed the change.

Mr. President, that is not agreeable to our ideas—at least not mine—of how this session should be operated, and I submit to the Senate in order to open the matter for discussion the following resolution and I ask its adoption.

## RESOLUTION

Mr. SHAPIRO. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO offered the following resolution which was twice read, as follows:

In the Senate May 7, 1940

Resolved, That the Senate reconsider the resolution by which it consented to the resolution of May 6, 1940, providing that when the House adjourned this week it should reconvene on Thursday, May 6, 1940.

## RECONSIDERATION OF SENATE RESOLUTION

Mr. SHAPIRO. Mr. President, I move that the Senate do now reconsider the vote by which Senate Resolution, entitled:

In the Senate, May 6, 1940

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 13, 1940 at 8:00 o'clock, Eastern Standard Time, (9:00 o'clock, Daylight Saving Time), and when the House of Representatives adjourns this week it reconvene on Thursday afternoon, May 16, 1940 at 3:00 o'clock, P. M. Eastern Standard Time, (4:00 o'clock Daylight Saving Time).

as passed finally, May 6, 1940.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye"

Mr. McGINNIS. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. McGINNIS. Mr. President, I voted "aye"

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS 14

| | | | |
|---|---|---|---|
| Cavalcante, | Eroe, | McCreesh, | Shapiro, |
| Coleman, | Frey, | McGinnis, | Sipe, |
| Dent, | Haluska, | Ruth, | Stiefel, |
| DiSilvestro, | Kunkel, | | |

NAYS 24

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | James, | Snowden, |
| Chapman, | Fulton, | Kephart, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrick, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Scarlett, | Wolfenden, |

Less than a constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

## QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I had hoped that the Senate would adopt that resolution so that the Senate might be induced to reconsider the action in giving its consent to an adjournment by the House of more than three days, and I felt that was necessary because as I understand from the atmosphere at this session and the Governor's expressions, it is the intent, or the desire if not the intent, to adjourn this Senate with two weeks, and I think with legislation which has so much importance to the future of this Commonwealth that both the House and the Senate should be in session at all times.

I can understand the fact that the Senators feel there is no point in staying around here while the House goes through the formalities of introduction of bills and their passage for the first few days, but from then on I am convinced from the seriousness of the subject that there ought to be joint sessions, but in order that we may not be accused of delaying until the last moment, in view of the fact that there will be so short a time to discuss this matter and we may not be accused of political activity or political purposes of delaying any suggestions we may make, I want to give notice now to the members of the Senate, in view of the importance of this subject, that there are certain matters which we feel—certainly, I as one member of this Senate feel—should be given consideration before those bills which are proposed are enacted into legislation.

Mr. President, I would like with the consent of the members of the Senate to read again certain sentences—not portions but sentences from the Governor's Speech, for the purpose of making my point.

Last night the Governor said: "But there are two reasons which incline me to believe that the present session can be harmonious and brief—that it can be what I hope my talk will be tonight, short and to the point."

"The first reason which leads me to think that the problem will be easy of solution is that the administration has the money it needs....In the main we propose merely to take the money we already have out of one pocket and put it in another."

Then, Mr. President, on page two of this speech he says something which seems very contradictory to me:

"Very little of that money is in the fund now—the bulk of it will be received in payment for automobile licenses in the spring of 1941."

And, then Mr. President, on page three: "The money for it will not be needed until June, 1941, by which time it will have been repaid out of general funds."

And yet, Mr. President, when you look at any one of those bills which deal with the transfer and for the purpose of meeting the situation I will quote from one of those bills of transfer—you will find each one of them contains the following provision:

"To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified.

Mr. President, it appears to me that there is a contradiction in the legislation and in the suggested purpose or in the suggested position in which we find ourselves. On the one hand, the Governor says the money is here; on the other hand, he says it will not arrive until May of 1941. On the one hand the Governor says there will be no restrictions of the various departments; on the other hand, the bill says the departments in so far as is necessary shall be restricted.

Now, Mr. President, in his speech the Governor says and sets up as an exhibit the fact that the reductions in the departmental general fund appropriations—that is the wrong one—amount made available for relief without new taxes during this administration—the first item is reduction in cost of operating State Government, $17,000,000.00; cancelled and postponed obligations established by former administration, $18,000,000.00; savings—January 17, 1939, to May 31, 1939, $8,000,000.00; reductions in appropriations recommended to special session, $4,419,000.00; increase in estimated revenues, $13,000,000.00; or a total of $60,419,000.00.

That heading is: "Amount made available for relief without new taxes during this administration."

Mr. President, if sixty million dollars is made available for relief without new taxes and the estimate of the required amount to be appropriated to the relief fund in this session is $71,000,000.00, why is it necessary to transfer $55,000,000.00 from the motor fund?

If there is $60,000,000.00 available the only amount short is $11,000,000.00 plus the expenses of the session and certain other items, which would bring that up to $13,000,000.00, and I think, Mr. President, that it is important that we have some information on that subject, and so I ask that between now and when we convene again somebody on the other side present us with this information, so that both sides of the house will not be criticized. I, for one, place myself on record as seeking that explanation so that I may know how to govern myself, and in the second place, I suggest that the members go into the details of the $4,419,000.00 which is said to be reappropriated or intended to be reappropriated from the various departments. You will find them listed in the speech under statement three, which deals with the "Reductions in Departmental General Fund Appropriations recommended by the Governor" and the departments are, first, the Governor's office $27,500.00.

I am not concerned so much about how the Governor is going to accomplish that reduction, that is not a matter of great importance—but I am concerned about several of the items here which mean something to the people of Pennsylvania. The Department of Health is going to be cut down by $965,600; the Department of Welfare is going to be cut down by $957,000; and the Department of Highways is going to be cut down temporarily by $35,000,000, $11,000,000 of which comes out of the liquid fuel tax. The Department of the Liquor License Board—The Liquor Control Board—is going to be cut down by the amount which transferred from that department.

I think we are entitled to know, first what effect is this going to have upon the activities, the important activities, of these various departments. For instance we have a bill on our desk now which has been introduced in the House asking that there be taken $5,000,000 from the School Fund. We ought to know to what extent that is going to curtail one of the important functions of the government of the Commonwealth of Pennsylvania; we ought to know what effect that $957,000 from the Department of Welfare is going to have upon these important activities; we ought to know about that $55,000,000, what effect that is going to have upon the activities of the Department of Highways.

Mr. President, we all know that while it is true the Governor says he may have to cut the expenses of maintenance in the Department of Highways by ten million dollars, those of us who have been over the roads in Pennsylvania in the past winter know that there is no saving—you might as well say that if you do not fix your leaking roof this year you save the cost of these repairs, but you will not—maybe you will, but you will not only have to put on a new roof next year but will need to paper the house too, and I am afraid that the ten million dollars that he proposes to appropriate from the motor fund is not lot of money; in actuality instead of saving money we may be in the position next year of being required to reconstruct the roads.

In any event, Mr. President, I know there is due under the Parkinson Act some eight million dollars to the various counties and I know those counties have budgeted and have prepared their budgets on the basis that they would get that money—I happen to know only a million and a half dollars has been paid out so far.

Mr. President, we are entitled to know whether or not the program of the Governor is going to curtail the payment of that money to the various counties.

Mr. President, I know that every county—in Philadelphia we get a share of the liquid fuels tax, and I think it would amount out of the eleven million dollars to be transferred, twenty-five per cent, or somewhere in that neighborhood, over three million dollars. I know every county in Pennsylvania has counted on that in its budget, and I think we ought to know what effect that is going to have if it is to be deducted from the payments of those funds to those counties.

Mr. President, I intend to read the Governor's speech more carefully between now and next week, and I intend to be able either to agree in part or disagree with it, but in any event, I intend to give it some thought, and try to come here next week and discuss it intelligently, but for the purpose of the point I am taking, while the effort to get out of here in two weeks may be a laudable one, it should not be made at the expense of proper and careful consideration.

Mr. President, I leave for the consideration of these gentlemen next week, when they come back, the answer to this proposition; every dollar of this money will be paid back, according to the Governor's speech—must be paid back by May 31, 1941. I ask the question now, how? by what means? how is it going to be paid back by May 31? (certainly not by this Legislature.) The bill itself says there is no intention for this Legislature to pay it back. What this bill says is that it will be paid back before May 31st. I ask the question whether or not this Legislature has the right to bind the subsequest Legislature, which comes into being on the first of January—or rather on the first of December of this year, and will begin to function, if no special session is called again, on the first of January, 1941.

Mr. President, do the people who have contributed to this trust fund, the motor fund, do they anticipate that the money will be paid back and that there is legal obligation to pay it back? Mr. President, is there a legal obligation to pay it back, and can this Legislature bind the subsequent Legislature so that they must be compelled to pay it back?

Mr. President, in my opinion, in my humble opinion—I do not claim to be the greatest lawyer—but the Supreme Court has said that one Legislature can not control the future actions of another, and it may very well be that we will be in such a crisis next year on taxes and others matters—the world moving so fast—that we will not want to put back that money in the motor license fund. We might have the choice between allowing our roads to go unrepaired and asking our people to stay at home, or letting those who stay home, or want to go out, stay home hungry, and I am quite sure all of us will agree that if we are faced in 1941 with a choice between feeding our people or providing them with means of traveling over the state, we will adopt the choice of feeding the people and saying nothing about the roads, and that, to my mind, is the important proposition in this whole plan.

I suggest, Mr. President, that the secretaries of the various departments in the Commonwealth, whose appropriations are being affected by the savings which it is alleged they are able to make, the secretaries of the various departments from whom transfers are to be made for relief, be told that they shall be prepared to furnish this body, as well as the House, if necessary, with information on the subject, which is important, namely, what effect will these reductions or transfers have upon their ability to perform their governmental functions?

I am saying now, Mr. President, that I propose on Monday to introduce into this House a resolution calling for the presentation to the various committees which have charge of these bills, those facts, so that we may act intelligently on it.

I think, Mr. President, if both Houses came into session on Monday, instead of Thursday, or both Houses came into session at the same time, we would be able to get at those facts more reasonably, we would be able to get at them more clearly, and be able to discuss them more intelligently and save time, but since this body has seen fit to vote down the resolution I presented for reconsideration of the action of the Senate concerning adjournment of this House, beyond the three days' period, I am taking this means of calling the attention of the members of the Senate, in the hope that they will consider this as a constructive suggestion, and not a political speech.

## QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe, will state his question of personal privilege.

Mr. SIPE. Mr. President, during the last session of the General Assembly, I stood here in the Senate and pleaded

for the opening of the Butler Tuberculosis Sanatorium as soon as completed instead of locking it up for two years.

In stressing the need for this sanatorium I frequently quoted the figures of Doctor Howard C. Marcy, Pennsylvania's famed tuberculosis specialist, Director of the Pittsburgh Tuberculosis League. Doctor Marcy, a talented physician who is devoting his life to the treatment and cure of tuberculosis, within the last ten days, in making his annual report, stressed the need for opening the Butler institution immediately, saying that it is greatly needed in Western Pennsylvania and that all similar institutions are crowded with ever mounting application lists.

The Governor and his Administration relied upon the figures of Dr. John J. Shaw, a political doctor from Philadelphia, and Arthur Sweeney, who knows about as much about tuberculosis and medicine generally as a hoot owl does about higher mathematics. But the Governor followed the advice of these men, and so the institution is locked and barred and has been ever since its completion last fall. Furthermore, the Administration says that it will be kept locked and barred until after June 1941.

Yes, the Governor relied upon the opinion of a political doctor. Whom would you rely upon if you wanted data as to tuberculosis. Would you rely on the data of a famed tuberculosis specialist or would you rely on the data of the political doctor from Philadelphia? If you were suffering from tuberculosis, whom would you call to your bedside? Would you call the famed tuberculosis specialist or would you call the politicial doctor from Philadelphia?

Yes, I stood here in the Senate and pleaded for the poor unfortunates who suffer from tuberculosis, who are not able to get into a Sanatorium, who are spreading this disease to others and thus endangering their lives, and whose only hope, in many cases, is the hope of the grave. I pleaded that mercy be shown them just as Portia pleaded that Shylock show mercy to the poor man whom she represented. In pleading for mercy for these unfortunates I made Portia's words my own when she said:

"The quality of mercy is not strained.
It falleth as the gentle rain.
From heaven upon the earth beneath.
It is twice blessed:
It blesseth him that gives and him that receives."

But just as Portia pleaded in vain to Shylock, so I pleaded in vain to the Governor and his Shylock Administration. The Governor and his Shylock Administration did not, even mistakenly, turn to me and say, "O, wise young judge, I excellent young man". The Governor and his Administration claimed they had no money to operate this sanatorium. But it is likely that enough money was spent during the last year advertising the Governor in the magazines of the country to keep the sanatorium running for a year. The Governor has "saved money" at the expense of the poor tuberculosis sufferers.

Pennsylvania is the second richest state in the Union, yet no money can be found for operating the sanatorium. Judging from the great amount of talk about the lack of money for this very worthy cause, one would think that the James Administration must believe that money is the guarantee of the perpetuity of the Nation. But money and the love of money are not the guarantee of the perpetuity of this Nation or any other nation. History is full of examples showing that the love of money ruins more nations than it helps. Ancient Rome loved money. She garnered the wealth of the world and was destroyed in the process. She became cancered by inner corruption. She became emasculated by voluptuous repose, and staggered and tottered to her doom through sheer aggregation of rottenness.

Government should have a heart for its unfortunate citizens. A contented, virtuous and patriotic citizenry is the best guarantee for the perpetuity of this Nation or any other nation. Our grand old national tree may be shaken in the winds of various dissensions as the years roll on. Storms may lop off a dead branch here and there. But if its roots are embedded in the soil of a contented, God-fearing and patriotic citizenry, it will stand to the latest ages. Until the new heavens arch themselves and until the new earth comes, this grand old tree, undecaying, will strike its roots deeper in this life giving soil and wave in tempest and in sunshine its glorious boughs.

In his address last night to the Joint Session the Governor told us how optimistic HE is. But the tuberculosis sufferers of the State are not so optimistic.

The Governor said in his address that we are now marching up the hill. But the tuberculosis sufferers who cannot get into a sanatorium are certainly not marching up the hill with heart full of hope and with sun-lit face. They are sadly, slowly, marching down the hill. They are not marching up the valley to the happy heights beyond, but they are slowly, sadly, marching down the valley—they are marching down the valley one by one—marching down the valley to the setting of the sun—marching down the valley while the church bells sadly toll—marching down the valley to the city of the soul—marching down the valley with brilliant eyes, with fevered cheeks, with hollow cough and with the crimson life blood streaming from their lips.

In his address last night the Governor said that money must not be permitted to accumulate "dust." But it seems all right that the Butler Tuberculosis Sanatorium shall accumulate dust.

After these poor unfortunates who cannot get into a Sanatorium have bidden farewell to the things earthly and bidden welcome to the things eternal, the Governor and his Shylock Administration can stand by their open graves and say, "Earth to Earth, Ashes to Ashes, DUST TO DUST."

Personally I am fond of every Republican Senator in this body, and I believe that every mother's son of them knows in his heart that I am right in pleading for opening this sanatorium instead of keeping it locked up until after June, 1941. I believe that every Republican Senator in this body would like to be over here pleading for the opening of this sanatorium. I believe that their heart is with me in this cause. But the trouble is not with their heart. It is with their backbone. The heart tells them that the sanatorium should be opened, but they do not want to criticize their Governor. Here is where their backbone is not all right. They want to be "regular." I say to them that it is better to be "irregular" now and then and have the approval of one's conscience than to be "regular" and not have the approval of one's conscience.

## POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise to a question of personal information.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his point of information.

Mr. HALUSKA. Mr. President, in the last session of the Legislature there were a number of debates on the so-called Van Allsburg bill, and special reference was made to the two thousand dollar bond that must be signed by those applying for relief.

Now, Mr. President, since that time there has been created a chaotic condition in the Commonwealth of Pennsylvania whereby those that must sign that bond must repay back any money they may receive while receiving any relief.

My point is, Mr. President, can we introduce an amendment to that bill and be within the call of the Governor by amending the public assistance laws? I would like, Mr. President, some of my colleagues in the Senate to give me some light on that question.

Mr. President, I should like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated

Mr. OWLETT. Mr. President, I will.

Mr. HALUSKA. Mr. President, I ask the Senator from Tioga, Mr. Owlett, if he heard the remarks I made.

Mr. OWLETT. Mr. President, I did.

Mr. HALUSKA. Mr. President, I should like to inquire of the Senator from Tioga, Mr. Owlett, whether I may offer an amendment and be within the call of the Governor in reference to the Van Allsburg bill.

Mr. OWLETT. Mr. President, in answer to the Senator's question, I believe the Senator should be advised to submit that question to the attorney general; that is not a question a Senator should answer, and my opinion on the matter would be only my own opinion.

I would suggest to the Senator, Mr. President, that he make application to the attorney general for an opinion as to whether that is covered by the call of the Governor.

Mr. HALUSKA. Mr. President, could the clerk of the Senate obtain for me between now and next Monday that information?

## MOTION TO OBTAIN OPINION FROM ATTORNEY GENERAL

Mr. HALUSKA. Mr. President, I move that the Clerk of the Senate contact the attorney general and secure that information for the use of the Senate by next Monday evening, for the information of all of the Senators.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion

## POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. I suggest, Mr. President, under the rules of this Senate all motions should be in writing.

The PRESIDENT. That is not the opinion of the Chair, unless there is a request. The motion is properly in order unless there be a request that it be reduced to writing.

Mr. OWLETT. Mr. President, I only make this suggestion for the reason that the opinion, to be of any value to the Senator from Cambria, Mr. Haluska, and the Senate as a whole, should be clearly stated, in the form of a written motion, and I would suggest that such a written motion be prepared, and we would be glad to offer any assistance to the Senator if he so desires.

Mr. HALUSKA. Mr. President, I ask that a five minute recess by the Senate be taken in order that I may have time to prepare my motion in writing.

Mr. OWLETT. Mr. President, may I suggest that the Senate be at ease until the motion is prepared?

## POINT OF INFORMATION

Mr. RUTH. Mr. President, I rise to a point of information.

The PRESIDENT. Just one minute. Is it the desire of the Senate that the Senate be at ease?

The CHAIR is of the opinion there is enough business before the Senate to consume five minutes requested by the Senator from Cambria, Mr. Haluska, and if there is no objection we will proceed while the Senator from Cambria, Mr. Haluska, is preparing his motion.

The Chair recognizes the Senator from Berks, Mr. Ruth. The Senator from Berks, Mr. Ruth, will state his point of information.

Mr. RUTH. Mr. President and members of the Senate, I did not hear all of the talk by the Senator from Butler, Mr. Sipe, because I was called to the telephone to answer a long distance telephone call, but, Mr. President, I have a proposition here on which I would like information.

I have the name of a young married man with a wife and child who was told by his doctor that if he were not admitted to a tubercular sanitorium within a very short time it would be too late for him. He asked, and many of his friends came to me to see, if it would be possible to obtain his admission ahead of his time, because they tell me there is a very long waiting list to get into the sanatorium, and if he would not be moved up ahead of his order he would die before he would get in.

Mr. President, I have a person coming to my house tonight on another question similar to this. I know this, if I could succeed in having him advanced, it would keep somebody else out who may need help just as much. Which one of those should be left out?

Thank you.

## NOMINATIONS BY THE GOVERNOR

### NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

## CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do not proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 7, 1940, by His Excellency, the Governor of the Commonwealth.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 7, 1940

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Miss Rose F. Eger, Pittsburgh, 614 Plaza Building, 535 Fifth Avenue, May 11, 1940.

BLAIR COUNTY

Leonardo A. Gioiosa, Altoona, May 11, 1940.
Robert C. Haberstroh, Altoona, May 11, 1940.

LEHIGH COUNTY

Mrs. Miriam C. Fritz, Weisenberg Twp., R. D. 1, Kutztown, May 11, 1940.

ARTHUR H. JAMES

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. SCARLETT

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. SCARLETT

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Letzler, | Shapiro, |
| Cavalcante, | Frey, | Mallery, | Sipe, |
| Chapman, | Fulton, | McCreesh, | Snowden, |
| Coleman, | Geltz, | McGinnis, | Stevenson, |
| Crowe, | Gilson, | Miller, | Stiefel, |
| Deitrick, | Haluska, | Owlett, | Tallman, |
| Dent, | Heyburn, | Pierson, | Thomas, |
| DiSilvestro, | Homsher, | Reed, | Walker, |
| Ealy, | James, | Rice, | Wolfenden, |
| Edmonds, | Kephart, | Ruth, | Woodward, |
| Eroe, | Kunkel, | Scarlett, | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the questioned was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

## QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his personal privilege.

Mr. DENT. Mr. President, I noticed one of the Senators asked a question regarding the scope of the call and he referred to certain procedure of the Department of Assistance and wanted to know whether he could amend it by putting in an amendment to a certain act of the Legislature.

Mr. President, I want to call to the attention of that Senator and those here that there is no act of the Legislature which empowers, specifically empowers, the Department of Assistance to demand said bonds; therefore any amendment to the act would not correct that particular evil.

Mr. President, it is merely a question of enforcing a resolution that passed this Senate and the House at the last regular session of the Legislature. The Senate and the House have clearly stated that they did not desire a continuation of this bond, and therefore the Department of Assistance is deliberately flaunting the will of the Legislature in demanding signature to bonds.

However, Mr. President, there is no action of the Legislature that I can find which could be amended to prevent that particular practice, and I have stated this so the Senator from Cambria Mr. Haluska, would understand, no matter what amendments he made or offered to the Pierson Act or any other act, it would not cure that objection.

## QUESTION OF PERSONAL PRIVILEGE

Mr. WALKER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Allegheny, Mr. Walker, will state his question of personal privilege.

Mr. WALKER. Mr. President, I would like to join with the Senator from Westmoreland, Mr. Dent, and state that it is my understanding of the laws that the Senate passed a resolution directing the Department of Public Assistance not to demand those bonds. It was my understanding that the bonds would not be demanded, and after the Legislature adjourned at the end of the 1939 session they are still taking those bonds and that is contrary, in my opinion, to the wish of this body, and I think that the Senate should demand or at least find out why the resolution of the Senate is not being lived up to by the Department of Assistance.

I think, Mr. President, the statements of the gentleman from Westmoreland, Mr. Dent, are entirely correct and in order.

## BILLS INTRODUCED

Mr. McGINNIS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. If there objection? The Chair hears none.

Mr. McGINNIS read in place and presented to the Chair Senate Bill No. 2, entitled

A Joint Resolution proposing an amendment to sections eight and twenty-one of article four, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on State Government.

Mr. RUTH. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH read in place and presented to the Chair Senate Bill No. 3, entitled

A Joint Resolution proposing an amendment to article eight of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Which was committed to the Committee on State Government.

## RESOLUTION

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection, The Chair hears none.

Mr. HALUSKA, offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 7, 1940.

Resolved, That the Clerk of this Senate obtain from the Attorney-General an opinion on the following question:

"May this General Assembly at this Special Session and under the proclamation of the Governor enact Legislation relative to the $2,000.00 bond now required to be signed by relief recipients by the Department of Public Assistance?

## ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Monday, May 13, 1940, at 8:00 o'clock P. M., E. S. T.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:47 o'clock, P. M., E. S. T. until Monday, May 13, 1940, at 8:00 o'clock P. M., E. S. T.

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# HOUSE OF REPRESENTATIVES

TUESDAY, May 7, 1940

The House met at 1 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

## PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Blessed Heavenly Father, we pray for the presence, the grace, and the blessing of Thy wisdom, by which alone we are enabled to live up to the best that is within us.

Arm our minds with clear thinking, our tongues with wise speaking, our hearts with rich sentiment, so that we may be strong, patriotic, and fearless in the defense of that which is right, and equally as fearless and strong and patriotic in the condemnation of that which is wrong.

In the name of the Master of thought, the creator of good works, and the Soul's Redeemer, we ask it. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. SCHROCK, the further reading was dispensed with and the Journal approved.

## RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. CHRISTLER and HAUDENSHIELD.

(Concurrent) RESOLUTION No. 1.

In the House of Representatives, May 6, 1940.

Whereas, Section 18 of Article II of the Constitution of Pennsylvania provides as follows:

"The General Assembly, at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections."

and

Whereas, The United States decennial census of 1940 is now being taken and will shortly be completed; and

Whereas, The General Assembly did not enact legislation providing for the reapportionment of the State into senatorial and representative districts following the 1930 United States decennial census until 1937; and

Whereas, The said legislation, as passed in the 1937 Legislature, was held unconstitutional in that certain election districts were omitted entirely, or that the districts were not of compact and contiguous territory; and

Whereas, The preparation of legislation of this character should not be attempted until a careful study is made of all the facts involved therein; therefore be it

Resolved (if the Senate concur), That the Speaker of the House of Representatives shall appoint four members of the House, one of whom shall be designated as chairman, and the President Pro Tempore of the Senate shall appoint three members of the Senate, who together shall constitute a joint legislative committee whose duty it shall be to prepare the necessary legislation to carry into execution the provisions of Sections 16, 17 and 18 of Article II of the Constitution of Pennsylvania, providing for the legislative apportionment of the Commonwealth of Pennsylvania; and be it further

Resolved, That the said committee, in order to obtain the information necessary to apportion the Commonwealth into senatorial and representative districts in accordance with the requirements of the Constitution of Pennsylvania, shall take the testimony of such witnesses as may be deemed necessary; and be it further

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its Chairman requiring and commanding any person to appear before it and answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the same force and effect as subpoenas issued out of the courts of this Commonwealth. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before it. Any person who shall wilfully neglect or refuse to appear and testify for said committee or to produce any books, papers, records and documents, shall be subject to the penalties provided by the laws of this Commonwealth in such cases; and be it further

Resolved, That the said committee shall have the power to sit and continue its study and preparation of the aforesaid legislation after the adjournment of the current special session, and it shall make its report on the proposed legislation to the Governor or to the next session of the General Assembly.

Referred to the Committee on Rules.

By Mr. CHRISTLER. RESOLUTION No. 2.

In the House of Representatives, May 6, 1940.

Whereas, The City of Pittsburgh has never had a suitable convention hall; and

Whereas, The said City of Pittsburgh has been unable to accommodate large groups of people requiring convention hall facilities; and

Whereas, The said city has been receiving an ever-increasing number of requests for convention accommodations; and

Whereas, Within the said city, the fine large Hunt Armory building is located, which armory building has a seating capacity for fifteen thousand persons, and would be ideal for general convention use when not being used for armory purposes, if the said building were to have added thereto a heating and air-conditioning system, and comfort facilities; therefore be it

Resolved, That the Department of Military Affairs is

herewith authorized to have installed a heating and air-conditioning system and proper comfort facilities within the said Hunt Armory building, or any other armory building located within the City of Pittsburgh, so that the same may be used as a convention hall during such times as is not needed for military purposes, and that the said Department of Military Affairs is herewith further authorized to charge such rentals as it deems proper for the use of the said armory building as a convention hall.

Referred to the Committee on Rules.

## LEAVE OF ABSENCE

Mr. BRETHERICK asked and obtained leave of absence for himself for tomorrow to attend a funeral.

## FORMER MEMBER WELCOMED

The SPEAKER. The Chair takes great pleasure in welcoming to the rostrum today the Honorable George Williams, long a member of this House from Tioga County, respected and beloved by all of those who sat with him in the House. The Chair would appreciate a few remarks from the gentleman but he has asked to be excused. However, it is a great pleasure to have him with us.

## REPORTS FROM COMMITTEES

Mr. CORDIER, from the Committee on Appropriations, reported as committed, House Bill No. 1, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

Mr. BOWER, from the Committee on Appropriations, reported as committed, House Bill No. 2, entitled:

An Act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Mr. MUIR, from the Committee on Appropriations, reported as committed, House Bill No. 3, entitled:

An Act transferring money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money.

Mr. O'NEILL, from the Committee on Appropriations, reported as committed, House Bill No. 4, entitled:

An Act transferring from the Liquor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Mr. IMBRIE, from the Committee on Appropriations, reported as committed, House Bill No. 5, entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Mr. JAMES, from the Committee on Appropriations, reported as committed, House Bill No. 6, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Mr. STOCKHAM, from the Committee on Appropriations, reported as committed, House Bill No. 7, entitled:

An Act to amend the act, approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-three), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by the Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

Mr. McKINNEY, from the Committee on Appropriations, reported as committed, House Bill No. 8, entitled:

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

Mr. SNYDER, from the Committee on Appropriations, reported as committed, House Bill No. 9, entitled:

An Act to amend the act, approved the ninth day of June, one thousand nine hundred thirty-nine (appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

Mr. WINNER, from the Committee on Appropriations, reported as committed, House Bill No. 10, entitled:

An Act to amend certain appropriation items contained is Section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the suport of the public schools for two years beginning June first, one thousand nine hundred thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine."

Mr. GILLETTE, from the Committee on Appropriations, reported as committed, House Bill No. 11, entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled May sixth, one thousand nine hundred forty, in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth, one thousand nine hundred forty.

Mr. WEBSTER, from the Committee on Appropriations, reported as committed, House Bill No. 12, entitled:

An Act making an appropriation to aid certain school districts.

Mr. ALSPACH, from the Committee on Judiciary General, reported as committed, House Bill No. 13, entitled:

An Act to amend clause (u) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven), entitled "An act establishing a system of unemployment compensation to be administered by the

Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by redefining, for certain purposes of the act, the term "wages."

Mr. HOCKE, from the Committee on Elections, reported as committed, House Bill No. 15, entitled:

An Act to amend section six hundred twenty-eight of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

Mr. JACOB L. MOSER, from the Committee on State Government, reported as committed, House Bill No. 14, entitled:

An Act to amend paragraph (a), paragraph (b), as amended, and paragraph (c) of section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building, now occupied by the Pennsylvania Liquor Control Board.

Mr. BRETHERICK, from the Committee on State Government, reported as committed, House Bill No. 22, entitled:

An Act to facilitate vehicular traffic between the sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County, to a point at or near the City of Philadelphia; and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation, and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike refunding bonds.

Mr. VAN ALLSBURG, from the Committee on Welfare, reported as committed, House Bill No. 16, entitled:

An Act to further amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled "An act relating to public assistance; providing for and regulating assistance; to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

## UNANIMOUS CONSENT REQUESTED

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent to have all bills reported from Committee today read for the first time.

The SPEAKER. Will the House give its unanimous consent to the reading of these bills the first time? Is there objection?

Mr. ACHTERMAN. Mr. Speaker, I object except as to House Bills Nos. 12 and 13.

The SPEAKER the chair hears objections to all Bills except House Bills 12 and 13.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 12, entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 13, entitled:

An Act to amend clause (u) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 1937, page 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions

based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by redefining, for certain purposes of the act, the term "wages."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

## HOUSE RULES SUSPENDED

Mr. WOODSIDE. Mr. Speaker, I move that House Rules 14, 41 and 43 be suspended for the specific purpose of first reading of all bills that were reported from Committee today.

On the question,

Will the House agree to the motion?

Mr. ACHTERMAN. Mr. Speaker, I oppose the motion to suspend House Rules 14, 41 and 43, and I point out to the members of the House that those rules have been in force and effect in this House for many years. They have been adopted by the various Legislatures, and they have been adopted for a specific purpose. You realize that the passing of legislation is far reaching in effect and those Rules were particularly made a part of the Rules of the House in order that the membership of this House would not proceed too rapidly in the passing of legislation; that the members of this House would not, in an effort to shirk their duty, proceed to pass legislation so that they would be able to go home one day sooner.

What do we have before us today? We have a far-reaching program involving many millions of dollars, almost seventy-two millions of dollars; we have a program that is going to curtail the departmental operations of this state; we have a program that proposes to curtail our local municipal government; we have a program that affects every individual in this Commonwealth. Today we have handed to us a proposition that we should accept a suspension of the Rules, doing away in effect with one day of consideration, and proceed to the consideration of legislation of that importance.

It is for those reasons, Mr. Speaker, that I say to the members of this House that certainly the program laid before us by the majority of this House is sufficiently important for the members of this House to remain an extra day in session.

Can you imagine, Mr. Speaker, some sixteen bills, some of them covering a great many pages, and we are asked to pass them today, although there is scarcely a member in this House that knows what is contained within the pages of those bills. Certainly haste is not as essential as that. Certainly we can give some consideration, certainly we can give some study, certainly the subject warrants it, and certainly with all those facts before us we should not for one moment ask or desire that the Rules of this House be suspended so that we can with break-neck speed pass legislation that may ruin our citizens, bring hardship upon taxpayers, and of course, honestly and truthfully bring condemnation upon the members of this House.

It is for those reasons, Mr. Speaker, that I ask the membership of this House to defeat the motion now before us.

Mr. WOODSIDE. Mr. Speaker and members of the House, in answer to the gentleman's argument on the other side, I merely want to state that of these bills all but two are printed on one double sheet of paper, many of them only on one page. Practically all of them are merely rewrites of bills which have been passed by previous Legislatures. There are only two bills which involve more pages. One is Bill No. 10, which is an amendment to the General Appropriations Bill, which has figures which can easily be listed on one single page. The other relates to the Turnpike Commission, which was drawn with the cooperation of the Turnpike Commission, the members of which are largely members of the party on that side, and the Attorney General's office, the Attorney General being a member of the party on this side. It seems to me, therefore, that these matters are such that it will not need to be considered a waste of time, and the consideration of them at this moment will in no way interfere with their fair consideration on second and third reading.

## POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Cambria will state his point of order.

Mr. ANDREWS. Mr. Speaker, Rule 88, page 74, states in the final paragraph:

> "The rules shall be published in the Pennsylvania Manual, a copy of which shall be delivered to each member at the commencement of the session."

Mr. Speaker, that must mean at the commencement of a Special Session and at the commencement of a regular session.

Mr. BAKER. Mr. Speaker, will the Speaker request the gentleman from Cambria to take the microphone, we cannot hear him.

The SPEAKER. The gentleman from Cambria will please take the microphone.

Mr. ANDREWS. Mr. Speaker, I will say for the benefit of the interested gentleman to my rear, if he could not hear me, he should thank God and be silent.

However, Mr. Speaker, I simply raise the point of order as stated under Rule 88.

The Pennsylvania Manual, in addition to containing the Rules contains the precedents or decisions, to which all able Speakers like our present Speaker, give consideration. Without the Manual in our possession, we have no access to the decisions made by Speakers in the past.

Rule 88, Mr. Speaker, was framed advisedly. It was framed for a very definite purpose, and it was framed by persons who understood the importance of parliamentary precedents. I submit to the Speaker that he could not rule were he not in the possession of parliamentary precedents, and that therefore neither can we members of the House be on safe parliamentary ground unless we have the information that Rule 88 says we shall have in our possession before we deliberate.

The SPEAKER. The Chair will say to the gentleman from Cambria, in the first instance the Pennsylvania Manual was supplied to each member of this House at the commencement of this session. Therefore, insofar as the possession of a Manual is concerned, the members have been given copies of it.

In the second place, all the members have been supplied with the Legislative Directory which contains a copy of the Rules. The purpose of the Rule, as the gentleman from Cambria has very clearly stated, is to

have available to the members a place to which they can turn for the Rules. Therefore, as the members have a Legislative Directory which contains the Rules, there can be no reason why a second Manual should be supplied.

As to the question of precedents, the Chair is informed by the Parliamentarian of the House that he knows of no time when this question was raised before. This question was not raised during the 1939 session, so that any new Manual that might have been printed since the 1939 session would not contain any ruling upon the question of the gentleman from Cambria. Therefore, no purpose could be served by raising this point of order except the purpose of delay.

The Chair is of the opinion that to follow the interpretation of the Rules as stated by the gentleman from Cambria, the House would always be subjected to the question as to whether or not the latest Manual had been printed. Certainly the affairs of the Commonwealth should at no time be hindered by the question as to whether or not a department of the government had printed a Manual from which the members could secure information, when the information contained would only be that information which the members of the House already have in their possession.

Therefore, the Chair rules that the point of order is not well taken.

On the question recurring,

Will the House agree to the motion?

Mr. OMINSKY. Mr. Speaker, and members of the House, in furthering our opposition to the suspension of the Rules on all bills which were just reported out, which are about seventeen in number, we of Philadelphia are especially interested in one bill, which to my mind is a very important one during this special session. It contains twenty-three printed pages, and it is House Bill No. 22 pertaining to the Turnpike Commission.

Subject No. 8 in the Governor's call refers to legislation necessary to permit the Pennsylvania Turnpike Commission to construct a turnpike from a point at or near Middlesex in Cumberland County to the Delaware River at or near Philadelphia, and to issue Turnpike bonds payable solely from tolls to pay for the cost of such construction.

This bill is very important. I do not think any member here has had a chance to study this twenty-three page bill, especially the members from Philadelphia, both the Democrats and the Republicans. This bill presumably is a non-partisan measure and we hope during this session it will remain so, presented in the interests of the city of Philadelphia.

As I read this bill it provides that the Turnpike may go above or below Philadelphia twenty or twenty-five miles away, because the Turnpike Commission may determine that "near Philadelphia" may be twenty or twenty-five miles away. If we suspend the Rule and put the bill on second reading tomorrow none of our members will have a chance to properly prepare amendments for it. I think it is unwise and unfair to put it on second reading tomorrow, since no one has read it in this House, with the possible exception of one or two members. Therefore, in the interests of Philadelphia unless we can on second reading tomorrow have it go over so that we of Philadelphia will have a chance to prepare proper amendments, this bill should not be read today but the members should be given a chance to go over it and give it careful consideration. Therefore, since there is no particular haste, and one day more or less during this session, will not matter, I for one am opposed to the motion because it also includes the House Bill No. 22.

Mr. WOODSIDE. Mr. Speaker and members of the House, for the information of the gentleman from Philadelphia, I would like to state that the bill under consideration is practically identical to the bill which was passed at the regular session of 1937. Therefore, I think the gentleman from Philadelphia is acquainted with most of the provisions of the bill. If the gentleman from Philadelphia will take the old act and compare it with this bill he will find there is very little difference and that most of the provisions in both bills are the same.

Mr. OMINSKY. Mr. Speaker and members of the House, I am willing to take the word of the majority floor leader that the bill under consideration is practically the same as the bill passed during the regular session of 1937, but we haven't had a chance to compare this bill with the bill that was passed in 1937. We think we should be given a chance to see whether it is the same, and to see whether the interests of Philadelphia are properly protected before we even vote on it on first reading, let alone its passage on second reading tomorrow. Therefore, I say if he wishes to be fair to Philadelphia and to the membership from Philadelphia, we should not hastily pass this on first reading, but give us a chance, as I have said, to compare this bill with the bill which was passed in 1937.

Mr. ANDREWS. Mr. Speaker, I oppose the motion to suspend the Rules, because I definitely plead for delay. The present program contemplates the enactment of a program upon the part of this House so speedily that it is impossible to acquaint the public with what the House is doing. We are going to take a jump on the counties; we are going to take a jump on the people. There are many things this House should know and the people should know before we proceed to enact this program. One of the things this House should know and the people should know is the meaning of one of the very adroit phrases that these bills carry, a phrase that has never occurred in any former legislation of this type. We should have time to take this phrase to the people of this state and consult our constituents as to what this phrase may mean. If you will look at one of the bills, any one of them, for example House Bill No. 2, you will notice it reads, "To the extent to which these transfers make necessary the use of the transferred fund for extraordinary purposes shall be postponed but not otherwise modified."

How are we going to find out in the limited time available what the term "permission to postpone" means. Postpone what? Postpone a highway maintainance or a highway improvement program? We do not have the time, Mr. Speaker, according to this schedule to find out whether we have a highway program in this state, and before we enact legislation giving permission to postpone any activities affected by the legislation, we should have time to ascertain from the Department what portion of the program is going to be postponed and where. If we rush these bills through, we cannot obtain from the Department that very necessary information. There is other information that we should have in our possession before we proceed to put these bills even on first reading.

If the members of the House will look at the last page of the Governor's message, they will see another occasion for delay. I desire for the purpose of emphasizing the necessity for delay to call the attention of the members of the House to Statement VI attached to the message de-

livered to the Joint Assembly by His Excellency the Governor, which is a statement concerning the amount made available for relief without new taxes during this administration. I refer particulaly to the final line which is "increase in estimated revenues thirteen million dollars."

Now, we should have time Mr. Speaker, to obtain information from His Excellency the Governor and his budget office as to what he means when he says that there has been an increase in estimated revenues of thirteen million dollars. There is not time according to the program of the majority leader to analyze that item, and before we can put these bills upon passage, even on first reading, we should know what is meant by the fact, or by the claim rather than the fact, that there is thirteen million dollars available which the budget officer did not expect would be available when the appropriations were passed in 1939. We should have time to find out, Mr. Speaker, if there is thirteen million dollars available that nobody knew anything about when the 1939 budget was being framed, why that thirteen million dollars is not being applied to relief. We do not have time according to the program which is being outlined. We should have time to find out about all these other savings of sixty million dollars that are supposed to be around somewhere and which have been unexpectedly made available for relief. We do not have time to find out why, if sixty million dollars has been unexpectedly made available for relief we must have seventy million dollars more.

This program is not so simple as it looks on its face. We are rushing into something without having the basic facts. This House has reason to consult the budget officer; this House has reason to ask for a further explanation from His Excellency the Governor; it has reason to ask for a statement from the Highway Department before it makes a single move upon any of this legislation. Therefore, I am frankly pleading in the name and in the dignity of this Assembly that we delay procedure until we know what this program is all about.

Mr. LEVY. Mr. Speaker and members of the House, I heard a few moments ago the Republican leader of the House state that of all these bills there were only a few that are more than two pages long, and the others are merely a page long. I noticed House Bill No. 2 authorizes the State Treasurer to take from the Motor License Fund the sum of thirty-seven million dollars or thereabouts; that it also authorizes in section 2 of the bill that this sum shall be repaid by June 30, 1941. I would like to inquire of the Republican leadership how this money is going to be repaid. Is he attempting in 1939 and 1940 to tell the 1941 and 1942 Legislature how to repay this money? Not a word of how it is to be repaid, merely the fact that it is to be taken out of a certain fund and placed in the General Fund. That, I think, is sufficient provocation for the members of the House to vote against the motion to suspend the Rule.

The Governor says in his message that we do not need this money until well nigh into June, next month. And here we are meeting for the second day in Assembly, and we are asked to report a bill out and pass it on first reading. I am quite sure that the majority of the Republican members of this House did not know that such a stipulation was in House Bills 2, 3, 4 and all down the line. If we are going to take money out of the fund, if we are going to jeopardize the Motor Fund, then we must make some stipulation as to how it is going to be paid back. The Republican leadership nor any other leadership can tie the hands of the next Legislature. That is going to be a separate body and they are going to be faced with the proposition of paying this money back, if they pay it back at all, and who is going to suffer?

I ask the members of the House to vote down this motion, give the people who are properly interested in the Motor Fund and the Fire Insurance Fund, and so forth, an opportunity to come here and find out how their moneys are going to be paid back. If we do not stipulate it in the bill, we are not only unfair and unreasonable, but we are taking a very unwarranted position, a position which we should not take.

Mr. WOODSIDE. Mr. Speaker, some time ago there was a lawyer arguing before the Supreme Court of Pennsylvania. After the argument was over, he was going down in the elevator and another lawyer said to this lawyer who had just argued his case, "How did you get along in your argument?" The other lawyer said, "Well, I think I was able to confuse them."

I know that the gentleman from Cambria, Mr. Andrews, is far too smart to be confused by the things which he says he wants to know. For example, he picked out a sentence in one of these transfer bills and he says to you he wants to know what it means.

That gentlemen has sat in this House for two regular sessions and a number of special sessions, in which that very wording was used in every transfer bill. It is a term that has been used in transfer bills from the time we first started, and yet today he comes in and he discovers something which he thinks is new and which he wants to have explained.

Then he takes the Governor's speech. I think he is far too smart to believe that there is any confusion in the things which he says are confusing to him. I believe that he can recognize what is meant by those things. If he cannot I will be glad to have him come over here and I will explain them to him. I am sure he knows what those figures mean, because I know that the gentleman is a very smart legislator and I am sure that he is not asking for delay in order to have certain matters explained or cleared up in his mind. I feel confident that he has the knowledge in his mind concerning them at the present time, and that he doesn't need additional time to learn a few things about these bills.

Mr. ANDREWS. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, I would like the gentleman from Dauphin, instead of confining his instructions to me, doubtless I need them, but there are other erring gentlemen on this side who also need instructions and I would therefore ask him to explain to the House the significance of Statement VI, attached to the Governor's message especially the item "increase in estimated revenue, thirteen million dollars," and tell the House why, if there has been an increase in estimated revenues of thirteen million dollars over and above the budget estimates, that thirteen million dollars is not available for appropriation for relief purposes at this time.

Mr. WOODSIDE. Mr. Speaker, the thirteen million dollars is available for appropriation for relief purposes at the present time, and it was stated, I think, in the ad-

dress where it is available. How it is made up is set forth on page 5 of the address.

Mr. ANDREWS. Mr. Speaker, I would like to ask the gentleman from Dauphin, if the thirteen million dollars is available for appropriation for relief purposes, why in thunder it isn't appropriated.

Mr. WOODSIDE. Mr. Speaker, we intend to appropriate it. That is the purpose of these bills that are before us today.

Mr. ANDREWS. Mr. Speaker, what bill appropriates that particular thirteen million dollars?

Mr. WOODSIDE. Mr. Speaker, House Bill No. 1 is the bill appropriating $71,850,000 for relief. That thirteen million dollars is part of that amount.

Mr. ANDREWS. Mr. Speaker, if the gentleman from Dauphin will read the schedules under which the seventy-three million dollars is being obtained, can he find on that schedule the thirteen million dollars represented by an increase in revenues?

Mr. WOODSIDE. Mr. Speaker, I don't know which schedule the gentleman is referring to at the present time, but I can explain to the gentleman from Cambria that seven million dollars will be appropriated from the General Fund, and six million dollars will be included in the transfer from the Motor License Fund.

Mr. ANDREWS. Mr. Speaker, at best the gentleman from Dauphin has only accounted for six million dollars of the increase in estimated revenue. Where is the other seven million dollars, Mr. Speaker?

Mr. WOODSIDE. Mr. Speaker, from the State Capitol Stock Tax three million five hundred thousand dollars; Corporate Net Income Tax two million dollars; Insurance Premium Tax, foreign, two hundred and fifty thousand dollars; Institutional Reimbursement and Welfare, two hundred and fifty thousand dollars; Gasoline Tax, five hundred thousand dollars that is the special emergency Gasoline Tax; cigarette tax, five hundred thousand dollars.

Mr. OMINSKY. Mr. Speaker, may I interrogate the gentleman from Dauphin, Mr. Woodside?

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, may I inquire of the gentleman from Dauphin, Mr. Woodside, whether he knows what the reduction in the departmental general fund transfer recommended by the Governor consist of, being a total of $4,419,000; whether or not those reductions will reduce the efficiency in the running of the State government, and what items are included in the breakdown of the generalization of the items included in Statement III of the Governor's message.

Mr. WOODSIDE. Mr. Speaker, they represent savings due to increased efficiency in the departments: the departments are carried on, doing the same work which was carried on before; they, in many instances, have employes which they are not paying as much and they have two thousand less employes. As a whole, there has been considerable economy and a lot of the extravagance that existed previously has been wiped out, thereby saving money.

Mr. OMINSKY. Mr. Speaker, may I inquire of the gentleman from Dauphin whether he knows what the saving in the Department of Supplies is, to the tune of $1,600,000.

Mr. WOODSIDE. Mr. Speaker, part of that saving is in the expense of salaries, part of it is a saving in new automobiles which we do not feel it will benecessary to purchase; part of it is a saving from the General State Authority. The General State Authority has not been able to turn over the buildings to the Commonwealth as rapidly as it thought at first it would be able to do, and as a result of that rentals did not accrue quickly and the expense of keeping up the property did not accrue as rapidly, and on account of that, the appropriations to various departments have been cut down. That is one of the larger items.

Mr. OMINSKY. Mr. Speaker, may I inquire of the majority floor leader whether this reduction is a recommendation for 1940 based on the experience of the 1939 expenditures? As I understand it, it is a reduction that is recommended in the year 1940; is that correct?

Mr. WOODSIDE. No, Mr. Speaker, this is the recommendation for a reduction in the appropriation. The total appropriation has been made for the biennium, June 1, 1939 to May 31, 1941. Part of that saving has already been made, based upon the expectancy of the expenses from this date to the end of the biennium, and the saving which has been made from the beginning of the biennium to this date.

Mr. OMINSKY. May I further inquire how much of that saving has actually been accomplished from the start of the fiscal year to the present time, if he knows?

Mr. WOODSIDE. Mr. Speaker, I don't have the exact figure. I think it would be hard to ascertain exactly what that figure is, but as the gentleman well knows, the appropriation is made for the biennium, and in some departments, for some things, payments are made periodically, monthly; other times there is certain work, certain expense of the department which come in at certain times. Now, the budget officers of the departments have gone carefully over each one of these items, and they have stated that they will be able to operate efficiently and carry out the tasks which have been assigned to them under the law, and be able to operate at the amount set forth in the general appropriation bill now before us, which is less than was set forth in the general appropriation bill of the 1939 regular session.

## POINT OF ORDER

Mr. ANDREWS. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Cambria will state his point of order.

Mr. ANDREWS. Mr. Speaker, my point of order is that the motion to suspend rule 42 in its entirety is obnoxious to the Constitution.

Rule 42, Mr. Speaker, states at the beginning that every bill and every resolution shall be read at length on three different days, and that, Mr. Speaker, is the language of the Constitution, and I doubt and raise the question, making it a point of order, whether this House has the right to suspend the Constitution.

The SPEAKER. The Chair thought a while ago, while the gentleman from Cambria was talking about instructions that the gentleman from Cambria never needs instructions, but that he often needs guidance. This is one of those times, because the gentleman from Cambria is clearly out of order. The motion was to suspend Rules 14, 41, and 43. Even the majority will not attempt to suspend the Constitution by a motion on the floor of this House.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Messrs. Achterman, and Ominsky.

Messrs. Harkins, Baker and Tronzo asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—125.

| | | | |
|---|---|---|---|
| Ackermann, | Ewing, | Lee, | Simons, |
| Alspach, | Fisher, | Leisey, | Sloan, |
| Atkins, | Fiss, | Leydic, | Snyder, |
| Auker, | Fleming, | Lichtenwalter, | Sollenberger, |
| Balliet, | Foor, | Lyons, | Stambaugh, |
| Bardes, | Freed, | Madden, | Stewart, |
| Bennett, | Fullerton, | Marr, | Stockham, |
| Boorse, | Gates, | McClester, | Sweeney, |
| Boose, | Gillan, | McGarrity, | Tahl, |
| Bower, | Gillette, | McKinney, | Taylor, |
| Boyd, | Goll, | McNally, | Terry, |
| Bretherick, | Habbyshaw, | McVay, | Thistle, |
| Bronson, | Haines, | Montgomery, | Thompson, G. R., |
| Brown, S. W., | Hall, | Moser, J. L., | Tiemann, |
| Brunner, | Harbeson, | Muir, | Trout, |
| Cadwalader, | Haudenshield, | O'Dare, | VanAllsburg, |
| Calvin, | Henry, | Peacock, | Van Belle, |
| Carpenter, | Hewitt, | Peale, | Voorhees, |
| Christler, | Hocke, | Reagan, | Wagner, |
| Clark, | Hoffman, J. N., | Reese, D. P., | Watkins, |
| Clearwater, | Hoyt, | Reynolds, | Webster, |
| Cook, | Huntley, | Rhodes, | Wilkinson, |
| Cooper, | Imbrie, | Riley, | Wilson, |
| Cordier, | Irvin, | Robertson, | Winner, |
| Cortese, | James, | Rose, | Wood, H. M., |
| Curran, | Johnston, | Roseberry, | Wood, L. H., |
| Dalrymple, | Jones, | Sarge, | Wood, N., |
| Denman, | Kane, | Schrock, | Woodside, |
| Dix, | Kline, | Seif, | Yeakel, |
| Donahue, | Knoble, | Serrill, | Turner, |
| Eckels, | Kowalski, | Shearer, | Speaker. |
| Ely, | Krise, | | |

NAYS—69.

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Melchiorre, | Rosenfeld, |
| Allmond, | Finnerty, | Mihm, | Rothenberger, |
| Andrews, | Furman, | Mooney, | Sarraf, |
| Baker, | Gorski, | Moran, | Scanlon, |
| Balthaser, | Harkins, | Munley, | Schrope, |
| Bohn, | Hess, | O'Brien, | Schwab, |
| Boles, | Hindman, | O'Connor, | Shaw, |
| Boney, | Holland, | O'Keefe, | Skale, |
| Brancato, | Jirolanio, | Ominsky, | Stank, |
| Broad, | Keenan, | O'Neill, | Tarr, |
| Brown, H. S., | Kenehan, | Powers, | Thompson, E. F., |
| Burns, | Kilroy, | Preston, | Tronzo, |
| Burris, | Levy, | Readinger, | Weiss, |
| Check, | Long, | Reese, R. E., | Welsh, E. B., |
| Chervenak, | Lovett | Regan, | Welsh, M. J., |
| Cohen, R. E., | Malloy, | Rider, | Westrick, |
| Corrigan, | McLane, | Rooney, | Williams, |
| Downey, | | | |

So the question was determined in the affirmative and the motion was agreed to.

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

## POINT OF ORDER

Mr. ACHTERMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Monroe will state his point of order.

Mr. ACHTERMAN. Mr. Speaker, the Reading Clerk is not complying with the rule of the House, Rule 42, as well as the Constitution, which requires that a bill be read in full and at length, and I am asking and insisting that the bill be read in full and at length for the information of the House. These bills have just been tossed upon the desks of the members of the House. It is important legislation, as we have pointed out.

The SPEAKER. The Chair would ask the gentleman to suspend. The Chair is of the opinion that the gentleman is debating the bill. The point of order raised by the gentleman from Monroe is well taken. The Clerk will read the bill at length.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be referred to the Committee on appropriations for the purpose of a public hearing.

On the question.

Will the House agree to the motion?

Mr. ACHTERMAN. I make this motion, Mr. Speaker, for the reason that I recall in 1939, we were assured that we were appropriating sufficient money for relief, and now we are called in Extraordinary Session for the purpose of appropriating more money for relief with the avowed statement by the Governor in his speech that he does not know how long it will last.

I feel that it is our duty to see that we get funds that will be sufficient to carry over for the balance of the biennium. I believe we have a right to have a statement from the Department stating how much money will be needed, and that statement should be a guide to us in passing legislation at this session. This bill, of course, is tied up with a number of other bills and the same motion will be made as to those particular bills, so that we will have a really clear understanding of our problem, and also have a thorough understanding of where the Commonwealth and where this Administration is going.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2, entitled

An Act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for a public hearing.

On the question,

Will the House agree to the motion?

Mr. ACHTERMAN. Mr. Speaker, in support of this

motion I wish to point out that since you are transferring thirty-seven million dollars from the Highway Department, I feel that not only this House but the state of Pennsylvania and its citizens have the right to know what activities, if any, in the Highway Department are going to be curtailed. We should know how much money the Highway Department spent in 1939, what affect the appropriation of this sum of money will have on the program for 1940. Above all, we should learn when the Governor states that he has available funds to the tune of sixty million dollars and all he needs is seventy-two million dollars, why he is asking for thirty-seven million dollars.

It is for that reason I say we should have a public hearing to clarify the entire situation.

Mr. ANDREWS. Mr. Speaker, I rise to support this motion to recommit this bill to the Committee. This bill, even if the House accepts it, is defective in one important detail. Former transfers have in the main named specific funds that were to be drawn upon for the purpose of reestablishing the fund and when they did not name specific funds, repayment was within the life of the Legislature making the transfer. I believe that the Appropriations Committee, since the repayment will not be made during the life of this Legislature, should in this bill name the specific sources of revenue that should be drawn upon, that should be ear-marked, that should be dedictated to the purpose of reestablishing the integrity of the fund, and that instead of bequeathing to a subsequent Legislature a moral liability, a moral responsibility, we should bequeath to that Legislature a specific legal responsibility.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Achterman and Mr. Jirolanio, and were as follows, viz:

YEAS—63

| | | | |
|---|---|---|---|
| Achterman, | Corrigan, | Mihm, | Rothenberger, |
| Allmond, | Downey, | Mooney, | Sarraf, |
| Andrews, | Finnerty, | Moran, | Scanlon, |
| Baker, | Furman, | Munley, | Schrope, |
| Balthaser, | Gorski, | O'Connor, | Schwab, |
| Bohn, | Harkins, | O'Keefe, | Shaw, |
| Boles, | Hess, | Ominsky, | Skale, |
| Boney, | Hindman, | O'Neill, | Stank, |
| Brancato, | Hoffman, S. K., | Powers, | Tarr, |
| Broad, | Holland, | Preston, | Thompson, E. F., |
| Brown, H. S., | Keenan, | Readinger, | Tronzo, |
| Burns, | Kenehan, | Reese, R. E., | Weiss, |
| Burris, | Lovett, | Regan, | Welsh, E. B., |
| Check, | Malloy, | Rider, | Welsh, M. J., |
| Chervenak, | McLane, | Rooney, | Westrick, |
| Cohen, R. B., | Melchiorre, | Rosenfeld, | Williams, |

NAYS—116

| | | | |
|---|---|---|---|
| Ackermann, | Ewing, | Krise, | Simons, |
| Alspach, | Fisher, | Lee, | Sloan, |
| Auker, | Fiss, | Leisey, | Snyder, |
| Balliet, | Fleming, | Leydic, | Sollenberger, |
| Bardes, | Foor, | Lichtenwalter, | Stambaugh, |
| Bennett, | Freed, | Lyons, | Stewart, |
| Boorse, | Fullerton, | Madden, | Stockham, |
| Boose, | Gates, | Marr, | Sweeney, |
| Bower, | Gillan, | McClester, | Tahl, |
| Boyd, | Gillette, | McNally, | Taylor, |
| Bretherick, | Habbyshaw, | Montgomery, | Terry, |
| Brown, S. W., | Haines | Moser, J. L., | Thistle, |
| Brunner, | Hall, | Muir, | Thompson, G. R., |
| Cadwalader, | Harbeson, | O'Dare, | Tiemann, |
| Calvin | Haudenshield, | Peacock, | Trout, |
| Carpenter, | Henry, | Peale, | VanAllsburg, |
| Christler, | Hewitt, | Reagan, | Voorhees, |
| Clark, | Hocke, | Reese, D. P., | Wagner, |
| Clearwater, | Hoffman, J. N., | Reynolds, | Watkins, |
| Cook, | Hoyt, | Rhodes, | Webster, |
| Cooper, | Huntley, | Riley, | Wilkinson, |
| Cordier, | Imbrie, | Robertson, | Wilson, |
| Cortese, | Irvin, | Rose, | Winner, |
| Curran, | James, | Roseberry, | Wood, H. M., |
| Denman | Johnston, | Sarge, | Wood, L. H., |
| Dick, | Jones, | Schrock, | Wood, N., |
| Dix, | Kline, | Seif, | Woodside, |
| Donahue, | Knoble, | Serrill, | Yeakel, |
| Eckels, | Kowalski, | Shearer, | Turner, |

Speaker.

So the question was determined in the negative and the motion was not agreed to.

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 3, entitled

An Act transferring money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money.

On the question,

Will the House agree to the bill on first reading?

Mr. HARKINS. Mr. Speaker, I desire to interrogate the majority floor leader.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker

Mr. HARKINS. Mr. Speaker, I desire to inquire of the majority floor leader whether if this bill is inacted into law it would have the effect of requiring the immediate liquidation of securities held in the State School Fund.

Mr. WOODSIDE. Mr. Speaker, theoretically, yes; practically, no. If the gentleman desires an explanation it is this: theoretically, it would require liquidation of the securities because we would have to convert the securities now held into cash. Practically the answer is no, because the State Teachers' Retirement Fund will take over a definite sum and that sum would be transferred in cash, and then when repayment is made in June of 1941, the General Fund will take care of the securities and the securites will again be transferred to the State School Fund, so that, practically, it is a matter of taking the securities out of one pocket and putting them into another. Theoretically it is a liquidation.

Mr. HARKINS. Mr. Speaker, I now desire to inquire of the gentleman from Dauphin whether or not this procedure will in any way cripple the Department of Public Instruction in the carrying out of its duties?

Mr. WOODSIDE. Mr. Speaker, there have been some commitments, some rather small amounts will have to be realized from the fund, but those commitments have been provided for and will be paid.

Mr. HARKINS. Mr. Speaker, I desire the gentleman from Dauphin to inform me if he is able, as to the purposes to which the State School Fund are devoted.

Mr. WOODSIDE. Mr. Speaker, among the bills that we have before us there is an appropriation of one million dollars to aid distressed school districts. This fund was originally created in 1915, and was the original fund used to aid distressed school districts. This is a sum which is realized from rentals of state forest lands and I imagine some other lands, but I am not sure of that, but at least it is a sum realized from the rental of the land owned by the Department of Forests and Waters. That sum has accumulated over a period of time and cannot be spent under

the law, but the income derived from the securities in this fund is used to aid distressed school districts. Now, the income realized from this fund is very small in comparison to the needs of distressed school districts today and as a result of that, for some years back, as the gentleman realizes, the Legislature has made appropriations not of a few thousand dollars as is contained in this fund, or the interest which this fund accumulates, but it has appropriated million of dollars. This money that we are appropriating at this session, just as the money that was appropriated at the last session and at a number of previous sessions, is being used in the same way as the money realized originally from the rental of lands owned by the Department of Forests and Waters.

On the question recurring,

Will the House agree to the bill on first reading?

It was agreed to.

Ordered, To be laid aside for second reading.

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 4, entitled:

An Act transferring from the Liquor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of a public hearing.

The motion was not agreed to.

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 5, entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of a public hearing.

The motion was not agreed to.

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 6, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of a public hearing.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. Achterman and Mr. Tronzo and were as follows:

YEAS—63

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Mooney, | Rothenberger, |
| Allmond, | Finnerty, | Moran, | Sarraf, |
| Andrews, | Furman, | Munley, | Scanlon, |
| Baker, | Gorski, | O'Brien, | Schrope, |
| Bohn, | Harkins, | O'Connor, | Schwab, |
| Boles, | Hess, | O'Keefe, | Shaw, |
| Boney, | Hindman, | Ominsky, | Stank, |
| Brancato, | Hoffman, S. K., | O'Neill, | Tarr, |
| Broad, | Holland, | Powers, | Thompson, E. F., |
| Brown, H. S., | Keenan, | Preston, | Tronzo, |
| Burns, | Kenehan, | Readinger, | Weiss, |
| Burris, | Kilroy, | Reese, R. E. | Welsh, E. B., |
| Check, | Lovett, | Regan, | Welsh, M. J., |
| Chervenak, | Malloy, | Rider, | Westrick, |
| Cohen, R. E., | McLane, | Rooney, | Williams, |
| Corrigan, | Melchiorre, | Rosenfeld, | |

NAYS—118

| | | | |
|---|---|---|---|
| Ackermann, | Ewing, | Leydic, | Sloan, |
| Alspach, | Fisher, | Lichtenwalter, | Snyder, |
| Auker, | Fiss, | Lyons, | Sollenberger, |
| Balliet, | Fleming, | Madden, | Stambaugh, |
| Bardes, | Foor, | Marr, | Stewart, |
| Bennett, | Freed, | McClester, | Stockham, |
| Boorse, | Fullerton, | McGarrity, | Sweeney, |
| Boose, | Gates, | McKinney, | Tahl, |
| Bower, | Gillan, | McNally, | Taylor, |
| Boyd, | Gillette, | McVay, | Terry, |
| Bretherick, | Goll, | Montgomery, | Thistle, |
| Brown, S. W., | Habbyshaw, | Moser, J. L., | Thompson, G. R., |
| Brunner, | Haines, | Muir, | Tiemann, |
| Cadwalader, | Hall, | O'Dare, | Trout, |
| Calvin, | Harbeson, | Peacock, | Van Allsburg, |
| Carpenter, | Haudenshield, | Peale, | Voorhees, |
| Christler, | Henry, | Reagan, | Wagner, |
| Clark, | Hewitt, | Reese, D. P., | Watkins, |
| Clearwater, | Hocke, | Reynolds, | Webster, |
| Cooper, | Hoffman, J. N., | Rhodes, | Wilkinson, |
| Cordier, | Hoyt, | Riley, | Wilson, |
| Cortese, | Huntley, | Robertson, | Winner, |
| Curran, | Imbrie, | Rose, | Wood, H. M., |
| Dalrymple, | Irvin, | Roseberry, | Wood, L. H., |
| Denman, | James, | Sarge, | Wood, N., |
| Dick, | Johnston, | Schrock, | Woodside, |
| Dix, | Jones, | Seif, | Yeakel, |
| Donahue, | Krise, | Serrill, | Turner, |
| Eckels, | Lee, | Shearer, | Speaker. |
| Ely, | Leisey, | Simons, | |

So the question was determined in the negative and the motion was not agreed to.

## BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 7, entitled:

An Act to amend the act, approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-three), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by the Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of a public hearing.

The motion was not agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 8, entitled:

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of a public hearing.

The motion was not agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 9, entitled:

An Act to amend the act, approved the ninth day of June, one thousand nine hundred thirty-nine (appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two), entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Autnority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of a public hearing.

The motion was not agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 10, entitled:

An Act to amend certain appropriation items contained in Section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools, for two years beginning June first, one thousand nine hundred thirty-nine; and for the payment of bills incurred each and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of a public hearing.

The motion was not agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 11, entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled May sixth, one thousand nine hundred forty, in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth, one thousand nine hundred forty.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of a public hearing.

The motion was not agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 15, entitled:

An Act to amend section six hundred twenty-eight of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections for the purpose of a public hearing.

The motion was not agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 14, entitled:

An Act to amend paragraph (a), paragraph (b), as amended, and paragraph (c) of section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers

Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building, now occupied by the Pennsylvania Liquor Control Board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## MOTION TO RECOMMIT

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of a public hearing.

The motion was not agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No 16, entitled:

An Act to further amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled "An act relating to public assistance; providing for and regulating assistance; to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by changing the definitions of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideratios of House Bill No. 22, entitled:

An Act to facilitate vehicular traffic between the sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County, to a point at or near the City of Philadelphia; and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation, and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike refunding bonds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

## MOTION TO RECOMMIT

Mr. OMINSKY. Mr. Speaker, for the reasons I have mentioned before, I move that this bill be recommitted to the Committee on State Government for further study and possible amendment.

The motion was not agreed to.

## RESOLUTION

### SYMPATHY EXTENDED

Mr. BRETHERICK offered a resolution which was twice read, considered and adopted:

In the House of Representatives, May 7, 1940.

Early yesterday morning, at the end of a span of life of over four score years, filled with outstanding accomplishments, Francis Shunk Brown, eminent lawyer, sportsman and gentleman farmer, died at his home in Overbrook.

"General" Brown was born in Philadelphia on June 9, 1858, the son of Charles Brown, for many years a Member of Congress and the former Elizabeth Shunk.

On his maternal side, he was descended from two Governors of the State--William Findlay, his great-great grandfather, who served from 1817 until 1820, and his grandfather, Francis Rawn Shunk, Governor from 1845 to 1849.

Following his preliminary education, he completed a college preparatory course at the Wilmington Conference Academy.

Five years later he left the University of Pennsylvania with his sheepskin, which proclaimed him a Bachelor of Laws, and he at once entered into active practice, handling a number of important cases even when a neophyte.

In court rooms at that time he was noted for his impressive appearance, sound logic and a convincing attitude before juries.

In 1915, the degree of Doctor of Laws was conferred upon him by Lafayette College.

Although endowed with a rich heritage of family tradition, he quickly rose to high places on his own power and in his own right, and has left to his posterity that same splendid heritage enriched and undiminished.

The year 1909 saw him serving as special counsel for the General Assembly, and he served in this capacity for two years. The result of his tenure was a host of modernized tax, revenue and corporation laws.

His experience here came in handy later in 1915 when he was named Attorney General under Governor Brumbaugh.

Until his death, he manifested interest in a variety of interests, taking a keen delight in sports ranging from yachting to boxing. He was one of God's great noblemen!

During his lifetime, he was a member of the Board of Directors of City Trusts of Philadelphia and Chairman of its Committee on Cit. Real Estate, was President of the Lawyers' Club of Philadelphia, and a member of the Art Club, Law Association of Philadelphia, American Bar Association, Pennsylvania Bar Association, Philadelphia Yacht Club, Sons of Delaware, Scotch Irish Society of Pennsylvania, Friendly Sons of Saint Patrick, Overbrook Golf Club, Overbrook Club, Philadelphia County Club,

Merion Cricket Club, Penn Club, American Academy of Political and Social Science, Pennsylvania Historical Society, Pennsylvania Society in New York, Academy of Political Science of New York and other societies, and was for many years Commodore of the Philadelphia Yacht Club and Commander of the Pennsylvania Naval Reserves.

He is survived by his widow, his son, Common Pleas Judge Francis Shunk Brown, Jr., and his daughter, Anna H. Brown, therefore be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that in the death of Francis Shunk Brown, the Commonwealth has sustained the loss of one of its outstanding citizens, the City of Philadelphia is deprived of the interest, devotion and service of an eminent citizen, the Court and Bar have lost a great lawyer, the world of sports will miss an ardent devotee, and a countless multitude will miss a friendship that was real and sincere; that to recount his activity and unselfish service in civic and State affairs would be but to write the history of his city and of the Commonwealth, for he loomed large in every important epoch that occurred during the years of his mature life; and be it further

Resolved, That the membership of this House extends to his widow and to his son and daughter its most sincere sympathy, and directs the Chief Clerk of the House to transmit to them a copy of this resolution.

## BILL INTRODUCED AND REFERRED

By Mr. OMINSKY. HOUSE BILL No. 24.

A Joint Resolution proposing an amendment to section four, article two, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

## CAUCUSES

Democratic Caucus tomorrow morning at 9 A. M. Standard Time in the House Caucus Room.

Republican Caucus immediately in the House Caucus Room.

Republican Caucus tomorrow morning at 9 o'clock Standard Time in the House Caucus Room.

## ADJOURNMENT

Mr. BOORSE. Mr. Speaker, I move that this House do now adjourn until tomorrow at 2 p. m.

The motion was agreed to, and (at 3:29 p. m.) the House adjourned until Wednesday, May 8, 1940, at 2 p. m.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

**Extraordinary Session of 1940.**

Vol. 24 HARRISBURG, PA., WEDNESDAY, MAY 8, 1940. No. 3.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, May 8, 1940.

The House met at 2 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

### PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Father in Heaven, we pray Thee to remove from every individual breast all bitter resentment, all puny selfishness, and all unworthy ambition to the end that we may see the ever growing outlines of the ideal man, the ideal home, the ideal country. Grant unto each of us the sweet harmonies and sacred precepts which our mothers taught us when her knee was the holy altar of our young hearts.

Fill our souls with redemptive energy. Sanctify to each of us the chastening disciplines through which, in Thy providence, we are permitted to pass, that we may each one be the exemplary type of the "Man of Sorrows."

In His name we ask it. Amen.

### JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when on motion of Mr. IRWIN, unanimously agreed to, the further reading was dispensed with and the Journal approved.

### BILLS INTRODUCED AND REFERRED

By Mr. FALKENSTEIN. HOUSE BILL No. 25.

An Act providing for the conducting of and legalizing lotteries by the State and dedicating the net revenue received therefrom to the payment of old age assistance; creating a State Lottery Commission; making appropriations and providing for a referendum of the electors thereon.

Referred to Committee on Ways and Means.

By Mr. FALKENSTEIN. HOUSE BILL No. 26.

An Act providing for and making lawful the establishment and operation of a Protective Investment Annuity Plan; creating a State Protective Investment Annuity Commission; authorizing and making lawful the sale of shares in such plan and the payment of annuities to persons selected therefor by the commission, and making appropriations.

Referred to the Committee on State Government.

By Mr. FALKENSTEIN. HOUSE BILL No. 27.

An Act to amend section four hundred one, and to further amend clauses (a) and (b) of section four hundred two, and to amend sections four hundred three and four hundred four of the act approved the fifth day of December, one thousand nine hundred and thirty-six (1937 P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties, "by extending the provisions of said act to certain persons who are unemployed by reason of sickness, including pregnancy or physical disability; by reducing the waiting period and by increasing the weekly amount of compensation and the number of weeks during which the same shall be paid.

Referred to the Committee on Judiciary General.

### COMMUNICATION

The SPEAKER laid before the House the following communication which was read by the Clerk.

HIGHWAY FUNDS

A resolution from the Bedford Grange No. 619 and the Pennsylvania Motor Truck Association, Inc. opposing the permanent diversion of highway funds.

Referred to the Committee on Appropriations.

### LEAVE OF ABSENCE

Mr. Sweeney asked and obtained leave of absence for Mr. GORSKI.

### WRITS OF ELECTION

The SPEAKER laid before the House Writs of Elections which were read by the Clerk as follows:

In accordance with the mandate of Article II, Section 2 of the Constitution and the laws of this Commonwealth, I, ELLWOOD J. TURNER, by virtue of the authority conferred upon me by law, have issued writs of election to the sheriffs of the several counties where vacancies have occurred in the membership of this House, directing that special elections be held to fill said vacancies in the following districts:

1. Twenty-first Legislative District, composed of the 29th and 47th Wards of the County of Philadelphia, by reason of the resignation of Honorable Thomas H. Allen, on the 31st day of December, 1939.

2. Fourteenth Legislative District, composed of the 21st Ward of the County of Philadelphia, by reason of the resignation of Honorable Robert S. Hamilton, on the 26th day of December, 1939.

3. Eighteenth Legislative District, composed of the 24th, 34th and 44th Wards of the County of Philadelphia, by reason of the resignation of Honorable Crystal Bird Fauset, on the 8th day of January, 1940.

4. County of Lycoming, by reason of resignation of the Honorable Jacob F. Matthews, on the 30th day of December, 1939.

COMMONWEALTH OF PENNSYLVANIA, SS:

To Miss S. M. R. O'Hara, Secretary of the Commonwealth, and to Morton Witkin, James C. Clark and John I. Hennessey, constituting the Board of Elections of the County of Philadelphia:

GREETING! Whereas, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the Twenty-first Legislative District of the County of Philadelphia, composed of the Twenty-ninth and Forty-seventh Wards, caused by reason of the resignation of Thomas H. Allen, one of the Representatives from said District, on the thirty-first day of December, one thousand nine hundred and thirty-nine;

Now, Therefore, I, Ellwood J. Turner, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania and by the Act of Assembly in such case made and provided, do hereby command you That you cause an election to be held in the said Twenty-first Legislative District of the County of Philadelphia, on the fifth day of November, A. D. one thousand nine hundred and forty, to choose a person to represent said Twenty-first Legislative District in the House of Representatives of Pennsylvania for the remainder of the term expiring December first, one thousand nine hundred and forty, and that you give due and public notice of said election throughout said Twenty-first Legislative District and to at least one of the inspectors of each election district therein, in the form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this eighth day of May, A. D. one thousand nine hundred and forty.

ELLWOOD J. TURNER, (Seal)
Speaker of the House of Representatives.

Attest:
William Ward, Jr.

COMMONWEALTH OF PENNSYLVANIA, SS:

To Miss S. M. R. O'Hara, Secretary of the Commonwealth, and to Morton Witkin, James C. Clark and John I. Hennessey, constituting the Board of Elections of the County of Philadelphia:

GREETING! Whereas, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the Fourteenth Legislative District of the County of Philadelphia, composed of the Twenty-first Ward, caused by reason of the resignation of Robert S. Hamilton, the Representative from said District, on the twenty-sixth day of December, one thousand nine hundred and thirty-nine;

Now, Therefore, I Ellwood J. Turner, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constiution of the State of Pennsylvania and by the Act of Assembly in such case made and provided, do hereby command you: That you cause an election to be held in the said Fourteenth Legislative District of the County of Philadelphia, on the fifth day of November, A. D. one thousand nine hundred and forty, to choose a person to represent said Fourteenth Legislative District in the House of Representatives of Pennsylvania for the remainder of the term expiring December first, one thousand nine hundred and forty, and that you give due and public notice of said election throughout said Fourteenth Legislative District and to at least one of the inspectors of each election district therein, in the form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this eighth day of May, A. D. one thousand nine hundred and forty.

ELLWOOD J. TURNER, (Seal)
Speaker of the House of Representatives.

Attest:
William Ward, Jr.

COMMONWEALTH OF PENNSYLVANIA, SS:

To Miss S. M. R. O'Hara, Secretary of the Commonwealth, and to Morton Witkin, James C. Clark and John I. Hennessey, constituting the Board of Elections of the County of Philadelphia:

GREETING! Whereas, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the Eighteenth Legislative District of the County of Philadelphia, composed of the Twenty-fourth, Thirty-fourth and Forty-fourth Wards, caused by reason of the resignation of Mrs. Crystal Bird Fauset, one of the Representatives from said District, on the eighth day of January, one thousand nine hundred and forty;

Now, Therefore, I, Ellwood J. Turner, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania and by the Act of Assembly in such case made and provided, do hereby command you: That you cause an election to be held in the said Eighteenth Legislative District of the County of Philadelphia, on the fifth day of November, A. D. one thousand nine hundred and forty, to choose a person to represent said Eighteenth Legislative District in the House of Representatives of Pennsylvania for the remainder of the term expiring December first, one thousand nine hundred and forty, and that you give due and public notice of said election throughout said Eighteenth Legislative District and to at least one of the inspectors of each election district therein, in the form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this eighth day of May, A. D. one thousand nine hundred and forty.

ELLWOOD J. TURNER, (Seal)
Speaker of the House of Representatives.

Attest:
William Ward, Jr.

COMMONWEALTH OF PENNSYLVANIA, SS:

To Miss S. M. R. O'Hara, Secretary of the Commonwealth, and to S. B. Heim, W. W. Braine, and J. Howard Ritter, constituting the Board of Elections of the County of Lycoming:

GREETING! Whereas, A vacancy exists in the office of Representative of the Commonwealth of Pennsylvania for the Legislative District composed of the County of Lycoming, caused by reason of the resignation of Jacob F. Matthews, one of the Representatives from said District, on the thirtieth day of December, one thousand nine hundred and thirty-nine:

Now, Therefore, I, Ellwood J. Turner, Speaker of the House of Representatives, by virtue of the authority vested in me by the Constiution of the State of Pennsylvania and by the Act of Assmbly in such case made and provided, do hereby command you: That you cause an election to be held in the said County of Lycoming on the fifth day of November, A. D. one thousand nine hundred and forty, to choose a person to represent said Legislative District in the House of Representatives of Pennsylvania for the remainder of the term expiring December first, one thousand nine hundred and forty, and that you give due and public notice of said election throughout said County and to at least one of the inspectors of each election district therein, in the form and manner directed by iaw.

Given under my hand and seal at Harrisburg, Pennsylvania, this eighth day of May, A. D. one thousand nine hundred and forty.

ELLWOOD J. TURNER, (Seal)
Speaker of the House of Representatives.

Attest:
William Ward, Jr.

## BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-nine

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Secton 1 The sum of seventy-one million eight hundred fifty thousand dollars ($71,850,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance administrative expenses expenses of liquidating the State Emergency Relief Board attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-nine

On the question,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 1, lines 1 and 2, by striking out the following; "seventy-one million eight hundred fifty thousand dollars ($71,850,000)" and inserting in lieu thereof: "one hundred twenty million dollars ($120,000,000)."

On the question,

Will the House agree to the amendment?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Rosenfeld.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. ROSENFELD. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to ask the gentleman from Philadelphia whether or not he has introduced any bills which will raise additional funds for appropriation for relief?

Mr. ROSENFELD. Mr. Speaker, I have not because the program would not permit it.

Mr. WOODSIDE. How does the gentleman expect to raise this additional fund?

Mr. ROSENFELD. The Governor said in his speech the other evening that he had savings of sixty million dollars to spare. In addition to that he claims he has other available funds such as the motor license fund, and from this he will derive the difference between sixty million dollars and one hundred twenty million dollars, which will mean a difference of about sixty million dollars.

Mr. WOODSIDE. Mr. Speaker, I do not think the gentleman from Philadelphia listened very carefully to the address of the Governor nor did he read it very carefully. The Governor said there was that much saving during his term of office but not all of that money is available for appropriation for relief at this time.

Mr. ROSENFELD. Mr. Speaker, we are not advised as to just what happened to the sixty million dollars available. Therefore, I am assuming, I think correctly, that those funds exist somewhere.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 Out of the moneys appropriated by section one of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pension for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department.

On the question,

Will the House agree to the section?

Mr. HOLLAND. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, line 19, by inserting after the word "department" the following: "Provided, That all money hereby appropriated that is expended for assistance shall be paid to the applicant for assistance to whom the same may be awarded in money only, either cash or by check. The provisions of any existing law to the contrary notwithstanding, no amount thereof shall be paid to any other person, copartnership, association or corporation for the purchase of fresh fluid milk or for any other purpose whatsoever, except for burial; and no amount thereof, not paid to the applicant for assistance either in cash or by check, shall be charged against the allowance awarded to any applicant for assistance. The provisions of any law rendered inoperative hereby shall be suspended during the balance of the two fiscal years for which this appropriation is made."

On the question,

Will the House agree to the amendment?

## CONSTITUTIONAL POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, I raise the point of order that the amendment is unconstitutional on the ground that it violates Article III, Section 25, of the Constitution in that it is not within the call of the Governor for this Extraordinary Session.

The SPEAKER. The gentleman from Dauphin has raised the Constitutional point of order that the amendment to section 2 of this bill is unconstitutional in that it violates Article III, section 25, of the Constitution.

The Chair under Rule 4 is required to submit Consti-

tutional questions to the House for decision which he now does.

On the question,

Will the House sustain the constitutional point of order?

(The remarks made here by Mr. Homer S. Brown were placed in the record following the second reading of the amendments offered by Mr. Holland to line 19 of Section 2.)

The SPEAKER. There seems to be some confusion because of the fact that the gentleman from Allegheny, Mr. Holland, has submitted two amendments to the same section. The Clerk read the amendment to section 2, page 2, line 19. The other amendment submitted by the gentleman from Allegheny, Mr. Holland, is an amendment to be inserted between lines 8 and 9 of the same section. Therefore it seems to the Chair that we should suspend action on this amendment to line 19 and have the Clerk read the amendment to be inserted between lines 8 and 9, submitted by the gentleman from Allegheny, Mr. Holland.

On the question recurring,

Will the House agree to the section?

Mr. HOLLAND. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 2, page 2, by inserting between lines 8 and 9, the following: "Section 2. Out of the moneys appropriated by section one of this act, the Department of Public Assistance shall allocate funds from time to time, not exceeding thirty million dollars ($30,000,000) in the aggregate, to counties and cities of this Commonwealth on the basis of the ratio which the estimated number of certified persons on the relief rolls available for assignment in each city and in each county outside of the cities therein bears to the estimated total number of certified persons on the relief rolls available for assignment in the entire Commonwealth. Sums allocated to counties and cities shall be used only to pay the county's or city's share of the cost of the maintenance and improvement of streets in such cities or of highways in such counties outside of the cities therein when such work is done with the aid of federal grants administered through the Works Progress Administration. In the event that any county or city shall be unable to obtain such federal assistance, or shall neglect to obtain such assistance within ninety days after such allocation, the amount allocated or the part thereof that cannot be so used shall revert to and be re-allocated by the Department of Public Assistance to the other counties and cities of the Commonwealth in accordance with the provisions of this section. The maintenance and improvement of streets or highways shall be deemed to include, but shall not be limited to the construction and repair of necessary drainage facilities therefor and the erection and repair of walls, cribbing and safety devices along such streets or highways."

On the question,

Will the House agree to the amendment?

## CONSTITUTIONAL POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODSIDE. Mr. Speaker, I raise the constitutional point of order that the amendment presented violates Article III, section 25 of the Constitution of Pennsylvania, in that it is not within the call of the Governor for this Extraordinary Session.

The SPEAKER. The gentleman from Dauphin has raised the Constitutional point of order that the amendment presented to section 2 by the gentleman from Allegheny, Mr. Holland, is unconstitutional in that it violates Article III, section 25 of the Constitution of Pennsylvania.

The Chair under Rule 4 is required to submit Constitutional questions to the House for decision which he now does.

On the question,

Will the House sustain the constitutional point of order?

Mr. HOLLAND. Mr. Speaker, raising the question of constitutionality on any question we of the House have the power to either declare the question constitutional or unconstitutional. This question of relief, whether it be direct or work relief, is connected very closely to the call that has been issued by the Governor. For instance, in the state there are one hundred sixty-five thousand men employed on WPA. To employ these men on WPA it is necessary that local sponsors stand a share of the expense amounting to about twenty-five per cent of the WPA grant. According to the report of the WPA administrator, if WPA does not continue in Pennsylvania our relief load will become very great. If these one hundred sixty-five thousand people are again placed on direct relief it means that we will be forced to raise more than ninety-three million dollars in direct relief in the coming year. It seems a shame that in the city of Philadelphia alone there are at the present time thirty-six thousand nine hundred thirty-two certified people on relief who should be on work relief, but due to the lack of local sponsorship, due to the lack of being able to raise local sponsorship's share of real estate taxes in Philadelphia, we in this House are counted upon to appropriate a half million dollars a week to keep these people in Philadelphia from starving. Therefore, I think this House in voting on the constitutional question should bear in mind that if some provision is not made out of the Motor Vehicle Fund to relieve the burden on real estate, at least for the improvement of the streets in the cities, it will only be a matter of time until the relief load of Pennsylvania will be so great that no taxes raised will be high enough to pay the direct relief load. Therefore I ask that this House consider this amendment as a relief to the state, in direct taxes, as a relief to the local municipalities in direct real estate taxes. This is a question we are asked to decide, and I think if we use just plain ordinary horse sense we will not sustain this constitutional question raised by the gentleman from Dauphin.

Mr. ECKELS. Mr. Speaker, members of the House, I agree with the gentleman from Allegheny, that this House has the power to determine at this time this constitutional question. I do say, and every member knows, that we have the duty and obligation to decide that question whether or not it is constitutional from the legal aspect of the matter alone. Highly as I regard the legal ability of the gentleman from Allegheny, Mr. Brown, I am compelled to disagree with his statement that this bill and the other bill referred to by him are within the call and are constitutional. I would say, in support of my statement, that the leading case, that of Commonwealth vs. Liveright, which sums up the laws referred to by Mr. Brown, even a casual reading of that decision should convince any lawyer beyond any question of doubt that

this bill is not within the call and is not constitutional, and if it is not constitutional it is our duty to so find.

In approaching this subject we must bear in mind the fact that when the Courts determine the question of constitutionality of an Act, all of the presumptions will favor that constitutionality, and that they take into consideration the fact that the Legislature has passed upon that question and they give the Legislature the benefit of the doubt.

Reading from the case of Commonwealth vs. Liveright, the opinion of Mr. Justice Kephart says:

> "Every presumption should be indulged in its favor and one who claims an act is unconstitutional must prove his case beyond doubt * * * It is the duty of every Judge to search for a construction which will support the Legislative interpretation of the Constitution, and an act can never properly be declared void unless it is found to be impossible."

Now, the Legislature does not approach this question from that angle. It is our duty to determine the question on the merits. We do not have the benefit of any presumption that any prior body has given its consideration. Therefore, the decision of this body must be on the merits of the case and on the law.

The gentleman from Allegheny has stated that the question is broad enough to permit any act that is germane to the main purpose of the call. I would like to ask what portion of the call, what section of the call refers to the law in relation to this matter now before the House. The only thing that I can see in relation to public assistance is the appropriation for payment of public assistance and for payment of the administration, auditing and disbursing expenses relating thereto.

On page 58 in 308 Pa., in the case of Commonwealth vs. Liveright, Mr. Justice Kephart stated as follows:

> "A subject may be so broad or general, having so many ramifications, that the special matter in relation thereto, on which legislation is desired, must be stated in the call. Though a general subject is stated through a specification of a particular matter in connection therewith, this does not open the door for any legislation germane to the general subject beyond the scope of the specification."

I believe that that clearly rules this question, and clearly shows in this decision in the case of Commonwealth vs. Liveright that the Courts, and the Legislature before them, had to determine from the wording of the proclamation whether or not it was in the mind of the Governor to have the matter brought before the House. That determination is made from the wording of the proclamation, and I defy anyone to point out any such wording in here. I do not believe that any member of this House believes it was the Governor's intention to open the question of public assistance wide for such structural changes in the system and in the set-up as is now proposed.

I might say further in relation to this case that a concurring opinion was filed by Mr. Justice Maxey, in which he puts his concurrence on the same basis, that is, it was within the Governor's intent that the principal therein included should be within the scope of that call.

Mr. Justice Maxey in his concurring opinion says:

> "I cannot conceive that any legislator or citizen of Pennsylvania who read the Governor's proclamation calling the legislature into special session to enact legislation had any doubt that the object of the Governor was to secure at the state's expense the necessities of life for those who because of wide-spread unemployment were so poor that they could not provide for themselves."

That puts it on the same basis. Is there anything in that to show that the Governor did intend to so widen or broaden the call or does the call specifically limit it to the one question of appropriation without the question of fundamental change throughout the law?

I might add that in this same case a dissenting opinion was written by Mr. Justice Simpson, which was concurred in by Mr. Justice Drew, and I believe Mr. Justice Linn, in which it was held by them that even in the case and under the facts before the court, the case was unconstitutional and was not included within the Governor's call.

I say that it must clearly appear to every member of the House that this was not intended by the Governor, and was not within the call, and I ask the members of the House to sustain the constitutional question of the gentleman from Dauphin.

## PARLIAMENTARY INQUIRY

Mr. HOMER S. BROWN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HOMER S. BROWN. Mr. Speaker, inasmuch as we are somewhat confused on the procedure because of the fact, as I understand it, that Mr. Holland put in another amendment which was taken up first, and as we all debated the second amendment, the gentleman from Crawford, Mr. Eckels, speaking in reply to my remarks concerning the milk bill, may I ask the Speaker if it would be permissible at this time, in order to save time, to answer the gentleman from Crawford, Mr. Eckels?

The SPEAKER. The gentleman will proceed.

Mr. HOMER S. BROWN. Mr. Speaker, I desire to interrogate the gentleman from Crawford, Mr. Eckels.

The SPEAKER. Will the gentleman from Crawford permit himself to be interrogated?

Mr. ECKELS. I shall, Mr. Speaker.

Mr. HOMER S. BROWN. Mr. Speaker, does the gentleman from Crawford, Mr. Eckels, believe that if the bill of 1939, known as the Milk Bill, were repealed, it would mean a reduction in the amount of appropriation necessary to the Department of Public Assistance?

Mr. ECKELS. I am not prepared at this time to go into that. That is a matter of figures and a matter of information which I do not have.

Mr. HOMER S. BROWN. Mr. Speaker, does not the gentleman know that providing the necessary machinery to deduct an amount of money from relief checks for the purchase of milk, costs the state money?

Mr. ECKELS. Mr. Speaker, I would assume it does, but when he asks me if I know, as I stated before, I do not know what the expense is.

The SPEAKER. May the Chair interrupt the gentlemen for a moment? It seems to the Chair that if you are arguing on the amendment as to its terms, we should permit that to be passed until we take up the second amendment which was the first one read. The Chair was of the opinion that the gentleman from Allegheny merely wanted to argue the legal question.

Mr. HOMER S. BROWN. Mr. Speaker, that is what I am going to do very briefly but I wanted to lay just a little foundation before proceeding to do that, because if

the gentleman answers my question in the negative there is no need for the legal question.

The SPEAKER. The Chair would suggest that the gentleman from Allegheny proceed with his argument and follow whatever line he desires. The Chair will give the gentleman all the latitude he desires.

Mr. HOMER S. BROWN. Mr. Speaker, does not the gentleman from Crawford, Mr. Eckels, know that when milk drops, as it usually does, from thirteen cents to around twelve cents, which it is generally conceded will happen, it will cost the Commonwealth of Pennsylvania a large sum of money to take that one cent difference and give it back to the relief clients throughout Pennsylvania?

Mr. ECKELS. Mr. Speaker, as I stated before, I do not have any information on that subject at the present time. I do not know what the cost will be and I do not know what the method pursued by the Department of Public Assistance will be.

Mr. HOMER S. BROWN. Mr. Speaker, I thank the gentleman from Crawford, Mr. Eckels.

I presume that since the gentleman does not know he will permit me to tell him. I wish to state to the gentleman that I am reliably informed that the cost to the Commonwealth of getting that one cent differential, when the price of milk drops, from thirteen cents to twelve cents, to get that differential back to the relief recipients will cost the Commonwealth ten thousand dollars. If there is anybody working in the Department who is around there for nothing, then my argument falls flat. I contend, not under the section of the proclamation that the gentleman from Crawford read, but I contend under subject 5 of the Governor's proclamation, which reads:

> "In order to make funds available in the general fund to meet the appropriations mentioned above, legislation providing for:
> "(b) Reductions in such appropriations made by the General Assembly at its session of one thousand nine hundred and thirty-nine as may be practicable."

It does not take any stretch of the imagination, Mr. Speaker, to understand that plain language. First of all the act which would be repealed is the act of 1939. About that we can have no doubt. Secondly, if the Act of 1939 is repealed I say to you that we ought to meet this issue on the facts instead of raising a question of constitutionality. The cost to the Commonwealth of sending out these relief orders is over forty thousand dollars a month. That does not include the cost to the Department to get back the money to the relief clients or to pay out the money to the relief clients in the case of a drop in the price of milk. Therefore, if we save that money by repealing the Act of 1939, since there was an appropriation made under that Act to the Department of Public Assistance, that certainly is germane to the Governor's proclamation in order to make funds available in the general fund. What I am trying to do is to make funds available in that fund. How are we doing that? By repealing the Act of 1939. That seems to me to be plain language, and I do not know why the gentleman feels I am so much in error. I would be willing to meet the issue on this issue squarely, on the facts, but I do think that we will have to account to the people of the Commonwealth of Pennsylvania for raising a technical question of unconstitutionality, and raise it very unfairly.

Let me quote further from the decision in the Liveright case, from the decision of Mr. Justice Kephart, as follows:

> "Article III, Section 7 of the Constitution contemplates that there shall first exist in the executive mind a definite conception of the public emergency which dmands an extraordinary session."

Now, we know what is in his mind because he contemplates getting $71,000,000. We contemplate telling him where he does not need that by cutting out a sum of money by the repeal of a bill which he says can be done in section 5 (b) of the Proclamation.

Let me quote further:

> "That purpose of the call is to inform the members of the Legislature of subjects for legislation."

The Governor has informed us he needs money. That is all he needs to do under the Constitution.

Quoting again from the decision of Mr. Justice Kephart, it states:

> "And to advise the public generally that objections may be presented if desired."

This does not close the door at all. It was put into the Constitution for two purposes, that we might know what is in the Governor's mind and that the public might be informed and thereby their rights be protected. That is the reason for that provision in the Constitution.

The decision goes on to state as follows:

> "It is not only a guide or chart with respect to which the Legislature may act, but also a check restricting its action so that the rights may not be affected without notice. The proclamation may contain many or few subjects according to the Governor's conception of the public need. While the subjects may be stated broadly"—this is the language of the court, not my language—"While the subjects may be stated broadly or in general terms, the special business as related to the general subject . . ."

bear in mind that Mr. Justice Kephart is speaking of the general business and the general subject. What more can be apropos to the question than saving mony under the Governor's call. They want us to do it one way and we have the right to do it another, and it is germane to the issue if we save the money.

I repeat again from the decision:

> "The special business as related to the general subject on which legislation is desired should be designated by impsoing qualifying matter to reduce or restrict. Although the subjects should be sufficient to evoke intelligent and responsive action from the Legislature"—and that is all we are doing—"it is not necessary that they include all the methods of accomplishment."

We are taking Mr. Kephart at his word. We are saying to the Governor, "you are right, you want to save money, you have told us to do it one way, but under the decision of the Supreme Court we have the right to do it another way."

I say to you, Mr. Speaker, this is a live issue, you cannot hide behind a smoke screen, and I demand that you meet the subject squarely in the face, and discuss this bill on its merits. If it has good merits and I can be satisfied of that I will be willing to vote against my own bill, but until that time comes, I say to you you cannot escape your responsibility by raising a smoke screen of constitutionality. I say to you under the decision of the Supreme Court of this State, we are wholly within the call in trying to get some money into the general fund in a way which the Governor says cannot be done, and which other members on the floor of the House say should not be done. I challenge any member of the House to quote any decision

from any law of the Commonwealth that shuts the door in our faces, when we are right within the first article of the Governor's call.

Mr. ECKELS. Mr. Speaker, I will be very brief. I was interested to learn from the gentleman from Allegheny the particular number of the provision in the call which he says warrants the construction he is attempting to put upon it.

I might say first that the excerpts he read from that decision were discussing the particular question that was involved in that case, and which is not involved in this case. The theory and the point of that decision was that the particular subjects had to be the mind of the executive and had to be expressed in the call before this body could constitutionally act upon them. The case states very clearly that the matters being submitted can be so limited as to restrict our actions to the matters by which it is limited. If he will read paragraph 5, he will see that it says:

> "In order to make funds available in the general fund to meet the appropriations mentioned above, legislation providing for:"

If that stood alone, "to make funds available," there might be some point to his argument, but he says:

> "(a) The transfer of moneys to the general fund from various special funds in the State Treasury and the subsequent reimbursement of such special funds out of the general fund.
>
> "(b) Reductions in such appropriations made by the general assembly at its session of one thousand nine hundred thirty-nine as may be practicable."

I am unable to see which of those two reasons by which the Governor has specifically restricted the actions of this body apply to the matters herein. The argument raised would open the door to everything to make a change in the entire legal structure of the Commonwealth of Pennsylvania by simply saying if we did away with our State Police, if we did this, or if we did that, we would make more money and have funds available to the Commonwealth. I think that the argument falls by its own weight.

Mr. ANDREWS. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Homer S. Brown.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HOMER S. BROWN. I shall, Mr. Speaker.

Mr. ANDREWS. Mr. Speaker, I would like to ask whether the gentleman from Allegheny considers that the constitutional argument that he has made with reference to the Milk Bill applies to the amendment submitted to the pending bill by the gentleman from Allegheny, Mr. Holland.

Mr. HOMER S. BROWN. Mr. Speaker, in answer to the gentleman from Cambria, Mr. Andrews, I would say I haven't given the question of the amendment of Mr. Holland any study. I did not know about it and certainly I would not be so presumptuous as to say that my argument applied because upon first reading by the clerk I followed it as best I could but I did not have it before me. Therefore, I would not be so presumptuous as to say that I am prepared to give an opinion on the constitutionality of the amendment. I am sorry I cannot answer the gentleman's question.

## PARLIAMENTARY INQUIRY

Mr. ANDREWS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Cambria will state his parliamentary inquiry.

Mr. ANDREWS. Mr. Speaker, the question before the House is the first amendment of the gentleman from Allegheny, Mr. Holland, relating to the allotment of money to the boroughs and cities rather than the matter relating to milk?

The SPEAKER. That is correct.

On the question recurring,

Will the House sustain the Constitutional point of order?

YEAS—128

| | | | |
|---|---|---|---|
| Ackermann | Ely, | Lee, | Seif, |
| Alspach, | Ewing, | Leisey, | Serrill, |
| Andrews, | Fisher, | Leydic, | Shearer, |
| Atkins, | Fiss, | Lichtenwalter, | Simons, |
| Auker, | Fleming, | Lyons, | Sloan, |
| Balliet, | Foor, | Madden, | Snyder, |
| Bardes, | Freed, | Marr, | Sollenberger, |
| Bennett, | Fullerton, | McClester, | Stambaugh, |
| Boorse, | Gates, | McGarrity, | Stewart, |
| Boose, | Gillan, | McKinney, | Stockham, |
| Bower, | Gillette, | McNally, | Sweeney, |
| Boyd, | Goll, | McVay, | Taylor, |
| Bronson, | Habbyshaw, | Montgomery, | Terry, |
| Brown S. W., | Haines | Moser, F. S., | Thistle, |
| Brunner, | Hall, | Moser, J. L., | Thompson, G. R., |
| Cadwalader, | Harbeson, | Muir, | Tiemann, |
| Calvin, | Haudenshield, | O'Dare, | Trout, |
| Carpenter, | Henry, | Peacock, | VanAllsburg, |
| Christler, | Hewitt, | Peale, | Van Belle, |
| Clark, | Hocke, | Preston, | Voorhees, |
| Clearwater, | Hoffman, J. N., | Readinger, | Wagner, |
| Cook, | Hoyt, | Reagan, | Watkins, |
| Cooper, | Huntley, | Reese, D. P., | Webster, |
| Cordier, | Imbrie, | Reynolds, | Wilkinson, |
| Cortese, | Irvin, | Rhodes, | Wilson, |
| Curran, | James, | Robertson, | Winner, |
| Dalrymple, | Johnston, | Rose, | Wood, H. M., |
| Denman, | Jones, | Roseberry, | Wood, L. H., |
| Dick, | Kline, | Rothenberger, | Wood, N., |
| Dix, | Knoble, | Royer, | Woodside, |
| Donahue, | Kowalski, | Sarge, | Yeakel, |
| Eckels, | Krise, | Schrock, | Turner, Speaker. |

NAYS—60

| | | | |
|---|---|---|---|
| Achterman, | Flanagan, | Mihm, | Sarraf, |
| Allmond, | Furman, | Mooney, | Schrope, |
| Baker, | Harkins, | Moran, | Schwab, |
| Boles, | Hindman, | Munley, | Shaw, |
| Boney, | Holland, | O'Brien, | Skale, |
| Brancato, | Jirolanio, | O'Connor, | Stank, |
| Broad, | Kane, | O'Keefe, | Tarr, |
| Burns, | Kenehan, | Ominsky, | Thompson, E. F., |
| Burris, | Kilroy, | O'Neill, | Tronzo, |
| Check, | Levy, | Powers, | Weiss, |
| Corrigan, | Long, | Reese, R. E., | Welsh, E. B., |
| DeNote, | Lovett, | Regan, | Welsh, M. J., |
| Donohoe, | Malloy, | Rider, | Westrick, |
| Downey, | McLane, | Rooney, | Williams, |
| Finnerty, | Melchiorre, | Rosenfeld, | |

So the question was determined in the affirmative and the constitutional point of order was sustained.

On the question recurring,

Will the House agree to the section?

Mr. HOLLAND. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows

Amend Sec. 2, page 2, line 19, by inserting after the word "department" the following:

"Provided, That all money hereby appropriated that is expended for assistance shall be paid to the applicant for assistance to whom the same may b awarded in money only, either cash or by check. The provisions of any existing law to the contrary notwithstanding, no amount thereof shall be paid to any other person, copartnership, association or corporation for the purchase of fresh fluid

milk or for any other purpose whatsoever, except for burial; and no amount thereof, not paid to the applicant for assistance either in cash or by check, shall be charged against the allowance awarded to any applicant for assistance. The provisions of any law rendered inoperative hereby shall be suspended during the balance of the two fiscal years for which this appropriation is made."

On the question,

Will the House agree to the amendments?

## CONSTITUTIONAL POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a Constitutional point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODSIDE. Mr. Speaker, my point of order is that the amendment which has been offered is unconstitutional because it violates Article III, section 25, in that the terms of the amendment are not within the call of the Governor for this Extraordinary Session.

The SPEAKER. The Constitutional point of order having been raised, the Chair under Rule 4 submits it to the House for decision.

On the question,

Will the House sustain the Constitutional point of order.

The SPEAKER. Does the gentleman from Allegheny, Mr. Brown, desire to be recognized on this question?

Mr. HOMER S. BROWN. Thank you very much, Mr. Speaker, but I have no further comments to make.

The SPEAKER. The Chair thanks the gentleman.

The Chair desires to ask the gentleman from Allegheny, Mr. Brown, whether it is his desire to have his remarks in reference to the milk amendment placed in the record at this time, as to this amendment?

Mr. HOMER S. BROWN. I do, Mr. Speaker.

The SPEAKER. The Chair will so direct. The remarks of the gentleman from Allegheny will be inserted in the Journal at this point.

(The following remarks by Mr. Homer S. Brown were made when this amendment was first read.)

Mr. HOMER S. BROWN. Mr. Speaker, speaking directly on the question raised by the gentleman from Dauphin, will the gentleman from Dauphin, Mr. Woodside, allow me to make reference to House Bill No. 18, which embodies the same substance as the amendment offered by the gentleman from Allegheny, Mr. Holland? I do that simply because I expect the objection to House Bill No. 18 will be the same objection made to the amendment just presented by the gentleman from Allegheny, Mr. Holland. As to whether this is a matter within the call of the Governor it seems to me is a very, very debatable question, although I am inclined to believe that anything which has to do with the raising of funds for relief purposes, anything that would have anything to do with making a reduction in the amount of appropriations necessary, would be within the call, although not specifically stated therein.

I call to the attention of the House the leading case in the Commonwealth of Pennsylvania on this subject, that is the case of Commonwealth ex rel Schnader vs. Liveright, reported in 308 Pa. page 35, decided in 1933 by the former Chief Justice of this Commonwealth, Justice Kephart. This House, I know, is familiar with the case arising out of the Session of 1939, the famous case of Annenberg vs. Roberts. They are also, I am sure, acquainted with the case of Tranter vs. Allegheny County Authority. All of these cases seem to say the same thing, that is, while the Governor may try in his proclamation to limit the special session to matters that might be within his knowledge, he cannot take away from the Legislature under the Constitution those matters which are germane to the question. I contend that if this amendment is allowed, which in substance is the same as contained in House Bill No. 18, it will save the Commonwealth of Pennsylvania over one million dollars during any year. If that money can be saved, if that money is proper money that has ben appropriated, it is within the Governor's call.

I would like to read this one paragraph from this very important decision, and I quote from the decision just mentioned in the Liveright case:

> "The guiding principal in sustaining legislation of a special session is that it be germane to, or within, the apparent scope of the subjects which have been designated as proper fields for legislation."

May I quote just a little further from this decision of Justice Kephart:

> "While the legislature must confine itself to the matters submitted, it need not follow the views of the Governor or legislate in any particular way. Within the special business or designated subjects submitted, the Legislature cannot be restricted or dictated to by the Governor. It is a free agent, and the Governor, under the guise of definition, cannot direct or control its action."

Now, it seems to me, Mr. Speaker, whether you want this amendment or not, we would be standing on very, very dangerous ground to pass it by, because we might raise the question of Constitutionality. It seems to me this amendment of Mr. Holland, if we were permitted to debate the facts, although I do not believe we can debate the facts on a question of constitutionality, we could show that this amendment would save the Commonwealth of Pennsylvania a million dollars. If we can show that it will save a million dollars out of money that would be necessary for relief, I believe in the language of Mr. Justice Kephart, which I will repeat again it would be within the call:

> "The guiding principle in sustaining legislation of a special session is that it be germane to, or within, the apparent scope of the subjects which have been designated as proper fields for legislation."

Under this case, Mr. Speaker, there is ample authority to sustain our position, and I believe that the question of constitutionality as to this amendment, raised by the gentleman from Dauphin, should not be sustained.

Mr. HOLLAND. Mr. Speaker and members of the House, I wish to direct the attention of the House to page 2 of House Bill No. 1, Section 2, which states:

> "Out of the moneys appropriated by section one of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law")).

Since the Eckels Milk Bill is being administered by the Public Assistance Board it is another program of the Public Assistance Board and this House has the power in this call to change this program as it pertains to the distribution of funds. Again this House should consider the human element involved.

I would like to read a letter that I have just received:

"Dear Mr. Holland: Is there anything you can do about our milk that we have to buy from the checks that we get from the welfare? We have to buy four quarts and one pint a day. We have eleven children at home and some of them get milk in school. We have to throw milk away every day."

For your information there is deducted from this relief check nine pints of milk a day at seven cents a pint or sixty-three cents a day on four dollars and thirty-two cents a week. Here is what you do to that family: In the city of Pittsburgh we have now working the Federal Food Stamp Plan. With four dollars and thirty-two cents that family can buy fifty percent more food, close to seven dollars worth of food, or three dollars more that you are denying that family. In our city schools in the city of Pittsburgh we give milk to the children. With the coming of the summer months there are no appropriations in the relief fund to buy ice. I ask you how can people live in congested neighborhoods and keep milk twenty-four hours without ice? This is the greatest waste of taxpayers' money that has ever occurred in the state of Pennsylvania, and the continuation of this Eckels Milk Bill is taking the taxpayers' money and throwing it out of the window.

On the question recurring,

Will the House sustain the Constitutional point of order?

The yeas and nays were required by Mr. Holland and Mr. Andrews and were as follows:

Messrs. Holland, Andrews and Achterman asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—120.

| | | | |
|---|---|---|---|
| Ackermann, | Fiss, | Leisey, | Serrill, |
| Alspach, | Fleming, | Leydic, | Shearer, |
| Atkins, | Foor, | Lichtenwalter, | Simons, |
| Balliet, | Freed, | Lyons, | Sloan, |
| Bardes, | Fullerton, | Marr, | Snyder, |
| Bennett, | Gates, | McClester, | Sollenberger, |
| Boorse, | Gillan, | McGarrity, | Stambaugh, |
| Boose, | Gillette, | McKinney, | Stewart, |
| Bower, | Goll, | McNally, | Stockham, |
| Boyd, | Habbyshaw, | McVay, | Sweeney, |
| Bronson, | Haines, | Montgomery, | Taylor, |
| Brown, S. W., | Hall, | Moser, F. S., | Terry, |
| Brunner, | Harbeson, | Moser, J. L., | Thistle, |
| Cadwalader, | Haudenshield, | Muir, | Thompson, G. R. |
| Calvin, | Henry, | O'Dare, | Tiemann, |
| Carpenter, | Hewitt, | Peacock, | Trout, |
| Clark, | Hocke, | Peale, | VanAllsburg, |
| Clearwater, | Hoffman, J. N., | Readinger, | Voorhees, |
| Cook, | Hoyt, | Reagan, | Wagner, |
| Cooper, | Huntley, | Reese, D. P., | Watkins, |
| Cordier, | Imbrie, | Reynolds, | Webster, |
| Cortese, | Irvin, | Rhodes, | Wilkinson, |
| Curran, | James, | Riley, | Wilson, |
| Dalrymple, | Johnston, | Robertson, | Winner, |
| Dick, | Jones, | Rose, | Wood, H. M., |
| Dix, | Kline, | Roseberry, | Wood, L. H., |
| Donahue, | Knoble, | Royer, | Wood, N., |
| Eckels, | Kowalski, | Sarge, | Woodside, |
| Ely, | Krise, | Schrock, | Yeakel, |
| Fisher, | Lee, | Seif, | Turner, |
| | | | Speaker |

NAYS—62.

| | | | |
|---|---|---|---|
| Achterman, | Denman, | McLane, | Rosenfeld, |
| Allmond, | DeNote, | Melchiorre, | Rothenberger, |
| Andrews, | Donohoe, | Mihm, | Sarraf, |
| Auker, | Downey, | Mooney, | Schrope, |
| Baker, | Ewing, | Moran, | Schwab, |
| Balthaser, | Finnerty, | Munley, | Shaw, |
| Boles, | Furman, | O'Brien, | Skale, |
| Boney, | Harkins, | O'Connor, | Stank, |
| Brancato, | Holland, | O'Keefe, | Tarr, |
| Broad, | Kane, | Ominsky, | Thompson, E. P., |
| Brown, H. S., | Kenehan, | O'Neill, | Tronzo, |
| Burns, | Kilroy, | Powers, | Weiss, |
| Check, | Levy, | Preston, | Welsh, E. B., |
| Christley, | Long, | Reese, R. E., | Welsh, M. J., |
| Cohen, R. E., | Lovett | Rider, | Westrick, |
| Corrigan, | Malloy, | Rooney, | Williams, |

So the question was determined in the affirmative and the constitutional point of order was sustained.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 Out of the moneys appropriated by section one of this act the Governor shall from time to time allocate to the Department of the Auditor General and the Treasury Department respectively such sums as may be deemed necessary to pay the administration expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing appropriations for or relating to public assistance including any Federal funds supplementing such appropriations Provided however That allocations to the Department of the Auditor General shall not exceed in the aggregate the sum of two hundred thousand dollars ($200,000) and allocations to the Treasury Department shall not exceed in the aggregate the sum of seven hundred twenty thousand dollars ($720,000)

On the question,

Will the House agree to the bill on second reading?

Mr. TRONZO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 3, by inserting at the end thereof the following:

Section 4. In any case in which the report of the investigating or interviewing employe shall disclose that there are dependent children of the applicant for assistance, or when it shall appear from such report that any other person who is an applicant requires the use of milk for his physical welfare, fresh fruid milk shall be provided through orders to milk dealers of the relief recipients' selection, holding permits from the State Department of Health, and the cost thereof shall not be a charge against the allowance awarded to the applicant for assistance.

On the question,

Will the House agree to the amendment?

## CONSTITUTIONAL POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a constitutional point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the point of order is that the amendment just read is unconstitutional because it violates Article III, section 25 of the Constitution in that it is not within the Governor's call for this Extraordinary Session.

The SPEAKER. The constitutional point of order having been raised the Chair under Rule 4 submits it to the House for decision.

On the question,

Will the House sustain the constitutional point of order?

Mr. TRONZO. Mr. Speaker, I am not going to attempt to become technical over this point raised by the majority leader from Dauphin County. I am going to place myself, as it were, at the mercy of your Honorable Court because I know that if I do I may receive justice today. You know the people throughout the Commonwealth do not know very much about these technical points. They do

believe that the judges of our Supreme Court usually handle matters of constitutionality and so remember that when you vote on this point today. There are thousands and hundreds of thousands of people on our assistance rolls who are paying the penalty for your points raising matters of constitutionality. You are trying to evade a real vital issue. During the last session you gave us a brain-storm known as the Eckels sour milk bill and today, to keep from facing the music, you have raised a mere technical point of constitutionality. That is not fair. You should face the music here and now because you are only postponing it. You are not going to slide from under, you are merely postponing the day of reckoning. Sooner or later you are going to have to take it on the chin as members of the General Assembly for your handiwork in the session of 1939. You are going to have to face the music and pay the penalty. You are going to have to tell the people of Pennsylvania, especially our relief recipients, why you refused to take those bottles of sour milk from their doorsteps. You are going to have to tell them, you are going to have to give them reasons why they cannot take advantage of the surplus commodity set up in counties like Allegheny. You are going to have to give them very good reasons why you have given them milk and more milk when all they wanted was bread and more bread. This reminds me of a story which I am going to tell before I sit down—

## POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, my point of order is that the gentleman is not debating the question before the House. I would like to give leeway in debate but I think the gentleman has gone far afield and is not debating along the lines of the subject we are discussing.

The SPEAKER. The gentleman from Allegheny will confine his remarks to the question before the House, which is on the constitutional point of order on the amendment offered by the gentleman from Allegheny, Mr. Tronzo.

The Chair does not desire to limit debate but the Chair believes that debate upon the merits of legislation is not debate upon a constitutional question. The gentleman should confine his remarks to the question before the House.

Mr. TRONZO. Mr. Speaker, on the point of constitutionality raised by the majority leader from Dauphin county I wish to add that many, many years ago there was a French queen who was so upset with the economic conditions of her time that when the people came to the gates of her castle and pleaded for bread she said, "Bread? Well, why don't they eat cake?"

During the last session of the General Assembly when the people of the Commonwealth of Pennsylvania were pleading at our gates for bread the majority membership of this House saw fit that they should drink milk. As I said at the beginning I cannot get technical over this question because a technicality raised on the floor of this House is always a subterfuge, it is an evasion, it is an attempt to duck from under, it is doing exactly what the majority leader is attempting to do today. He is attempting to keep from facing the music, but you cannot get away from it, you might as well stand up like strong, intelligent men and face this issue now squarely and honestly.

Mr. HOLLAND. First of all, Mr. Speaker, I wish to thank the majority leader for sending me over the pint of milk. I might add that if I were getting that pint of milk on relief, the administrative cost would be three cents a pint and with the six hundred thousand dollars you are spending for administering the Eckels Milk Bill I could buy enough cows in Pennsylvania to give everybody in Pennsylvania milk free.

The SPEAKER. The offer of free milk by the gentleman from Allegheny is accepted.

On the question recurring,

Will the House sustain the constitutional point of order?

The yeas and nays were required by Mr. Tronzo and Mr. Baker and were as follows:

YEAS—119

| | | | |
|---|---|---|---|
| Ackermann, | Foor, | Lichtenwalter, | Shearer, |
| Alspach, | Freed, | Lyons, | Simons, |
| Atkins, | Fullerton, | Madden, | Sloan, |
| Balliet, | Gates, | Marr, | Snyder, |
| Bardes, | Gillan, | McClester, | Sollenberger, |
| Bennett, | Gillette, | McGarrity, | Stambaugh, |
| Boorse, | Goll, | McKinney, | Stewart, |
| Boose, | Habbyshaw, | McNally, | Stockham, |
| Bower, | Haines, | McVay, | Sweeney, |
| Boyd, | Hall, | Montgomery, | Taylor, |
| Brown, S. W., | Harbeson, | Moser, F. S., | Terry, |
| Brunner, | Haudenshield, | Moser, J. L., | Thistle, |
| Cadwalader, | Henry, | Muir, | Thompson, G. R., |
| Calvin, | Hewitt, | O'Dare, | Tiemann, |
| Carpenter, | Hocke, | Peacock, | Trout, |
| Clearwater, | Hoffman, J. N., | Peale, | Van Allsburg, |
| Cook, | Hoyt, | Readinger, | Voorhees, |
| Cooper, | Huntley, | Reagan, | Wagner, |
| Cordier, | Imbrie, | Reese, D. P., | Watkins, |
| Cortese, | Irvin, | Reynolds, | Webster, |
| Curran, | James, | Rhodes, | Wilkinson, |
| Dalrymple, | Johnston, | Riley, | Wilson, |
| Dick | Jones, | Robertson, | Winner, |
| Dix, | Kline, | Rose, | Wood, H. M., |
| Donahue, | Knoble, | Roseberry, | Wood, L. H., |
| Eckels, | Kowalski, | Royer, | Wood, N., |
| Ely, | Krise, | Sarge, | Woodside, |
| Fisher, | Lee, | Schrock, | Yeakel, |
| Fiss, | Leisey, | Seif, | Turner, |
| Fleming, | Leydic, | Serrill, | Speaker. |

NAYS—62

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | Mihm, | Rosenfeld, |
| Allmond, | Downey, | Mooney, | Rothenberger, |
| Andrews, | Ewing, | Moran, | Sarraf, |
| Baker, | Furman, | Munley, | Schrope, |
| Balthaser, | Harkins, | O'Brien, | Schwab, |
| Boles, | Hindman, | O'Connor, | Shaw, |
| Boney, | Holland, | O'Keefe, | Skale, |
| Brancato, | Kane, | Ominsky, | Stank, |
| Broad, | Kenehan, | O'Neill, | Tarr, |
| Brown, H. S., | Kilroy, | Powers, | Tronzo, |
| Burns, | Levy, | Preston, | Weiss, |
| Check, | Long, | Reese, R. E., | Welsh, E. B., |
| Cohen, R. E., | Lovett, | Regan, | Welsh, M. J., |
| Corrigan, | Malloy, | Rider, | Westrick, |
| Denman, | McLane, | Rooney, | Williams, |
| DeNote, | Melchiorre, | | |

So the question was determined in the affirmative and the constitutional point of order was sustained.

On the question recurring,

Will the House agree to the bill?

Mr. LONG. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 3, by adding at the end thereof, the following section:

Section 4. It is the legislative intent of this act that in order to insure a non-political administration and distribution of the funds herein specifically appropriated, that the solicitation of any campaign contribution from any officer or employe of the Department of Public Assistance is herewith forbidden.

On the question,
Will the House agree to the amendment?

## CONSTITUTIONAL POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a constitutional point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, my point of order is that the amendment is unconstitutional on the ground that it violates Article III, Section 25, of the Constitution of Pennsylvania, in that it is not within the call of the Governor for this Extraordinary Session.

The SPEAKER. The constitutional point of order having been raised under Rule 4 the Chair submits it to the House for decision.

On the question,
Will the House sustain the constitutional point of order?

Mr. LONG. Mr. Speaker, I would like to direct the attention of the House to the amendment comprised in section 4. It is the legislative intent of this act that in order to insure a non-political administration in the distribution of the funds herein specifically appropriated that the solicitation of any campaign contribution for political purposes from any officer or employe of the Department of Public Assistance is herewith forbidden.

I also wish to direct your attention to Article I of the call which covers appropriations for payment of public assistance and for payment of administrative auditing, and disbursement of expenses relating thereto. Mr. Speaker and members of the House, you have heard a great deal of discussion and the quoting of leading cases, including the Liveright case, which in effect stated that any issue germane to or included within the scope of the call was constitutional. It surely is obvious that in appropriating money for relief and for its administration that we should take every safeguard to prevent the diversion of relief funds for purely political purposes. That is not only constitutional, it is our duty to protect these relief funds to the fullest extent within our power. I therefore submit to the members of the House that if we consider this question at this time you need have no fear of opening up for the consideration of the Assembly every subject under the sun. You need have no fear that we will even scratch the surface of the constitutional bulwarks of this Commonwealth, and if by some calamity this House should consider it its duty to consider this question, which I believe sincerely and thoroughly to be within the call, the political committees will still have a second line of defense, they will be able to appeal to the courts of the Commonwealth to protect the Constitution.

I also wish to direct your attention to the fact that if we should consider this amendment today, as it is in my opinion our duty, we will still have time by so doing to protect these vital funds, which are intended purely for relief, from political use, and if by any chance it should be challenged in the courts and declared unconstitutional, at least this consideration as of today would protect these funds until the next general session, when it is surely our duty to make every possible effort within our power and to do everything we can to protect the funds for relief, and to prevent their diversion for any other purpose, political or otherwise.

I therefore believe, Mr. Speaker, that it is not only constitutional for us to consider this question today but it is our plain duty to do so.

Mr. WOODSIDE. Mr. Speaker, for the technical reasons that were set forth in the argument, I think this is clearly without the call to amend this bill in this manner. This amendment really ought to be in the Administrative Code rather than in this bill. As a matter of fact it is provided for in the Administrative Code now, and an attempt to tack it on to this bill is clearly without the call of the Governor and should be voted down.

Mr. LONG. Mr. Speaker, I would like to correct one impression under which the majority leader appears to be misled, and I might also add that a majority of the people of this Commonwealth are misled. The Administrative Code does not prevent relief employees or any other employees of the Commonwealth of Pennsylvania from being solicited for political campaign funds and assessments. The Administrative Code to which the gentleman refers is clearly that provision which we put into the law of the Commonwealth at the last session which prevents the use of blackjacks and threatening letters. There is no statute on the books of the Commonwealth of Pennsylvania today which prevents political solicitation of relief employees. That is only one of the reasons why we should consider this issue today and face it squarely, if only to protect these vital and very much needed funds from diversion for political purposes, at least until the calling of the next session of the Legislature.

On the question recurring,
Will the House sustain the constitutional point of order?

The yeas and nays were required by Mr. Long and Mr. Lovett and were as follows:

YEAS—121

| | | | |
|---|---|---|---|
| Ackermann, | Fiss, | Leydic, | Simons, |
| Alspach, | Fleming, | Lichtenwalter, | Sloan, |
| Atkins, | Foor, | Lyons, | Snyder, |
| Auker, | Freed, | Marr, | Sollenberger, |
| Balliet, | Fullerton, | McClester, | Stambaugh |
| Bardes, | Gates, | McGarrity, | Stewart, |
| Bennett, | Gillan, | McKinney, | Stockham, |
| Boney, | Gillette, | McNally, | Sweeney, |
| Boorse, | Goll, | McVay, | Tahl, |
| Boose, | Habbyshaw, | Montgomery, | Taylor, |
| Bower, | Haines, | Moser, F. S., | Terry, |
| Boyd, | Hall, | Moser, J. L., | Thistle, |
| Bronson, | Harbeson, | Muir, | Thompson, G. R., |
| Brown, S. W., | Haudenshield, | O'Dare, | Tiemann, |
| Brunner, | Henry, | Peacock, | Trout, |
| Cadwalader, | Hewitt, | Peale, | VanAllsburg, |
| Calvin, | Hocke, | Reagan, | Voorhees, |
| Carpenter, | Hoffman, J. N., | Reese, D. P., | Wagner, |
| Clearwater, | Hoyt, | Reynolds, | Watkins, |
| Cook, | Huntley, | Rhodes, | Webster, |
| Cooper, | Imbrie, | Riley, | Wilkinson, |
| Cordier, | Irvin, | Robertson, | Wilson, |
| Cortese, | James, | Rose, | Winner, |
| Curran, | Johnston, | Roseberry, | Wood, H. M., |
| Dalrymple, | Jones, | Royer, | Wood, L. H., |
| Dick, | Kline, | Sarge, | Wood, N., |
| Dix, | Knoble, | Schrock, | Woodside, |
| Donahue, | Kowalski, | Self, | Yeakel, |
| Eckels, | Krise, | Serrill, | Turner, |
| Ely, | Lee, | Shearer, | Speaker |
| Fisher, | Leisey, | | |

NAYS—59

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | Mihm, | Rosenfeld, |
| Allmond, | Downey, | Mooney, | Rothenberger, |

| | | | |
|---|---|---|---|
| Andrews, | Finnerty, | Moran, | Sarraf, |
| Baker, | Flanagan, | Munley, | Schrope, |
| Balthaser, | Furman, | O'Brien, | Schwab, |
| Boles, | Harkins, | O'Connor, | Shaw, |
| Brancato, | Holland, | O'Keefe, | Skale, |
| Broad, | Jirolanio, | Ominsky, | Stank, |
| Brown, H. S., | Kenehan, | O'Neill, | Tronzo, |
| Burns, | Kilroy, | Powers, | Weiss, |
| Burris, | Levy, | Readinger, | Welsh, E. B., |
| Check, | Long, | Reese, R. E. | Welsh, M. J., |
| Corrigan, | Lovett, | Regan, | Westrick, |
| Denman, | Malloy, | Rider, | Williams, |
| DeNote, | Melchiorre, | Rooney, | |

So the question was determined in the affirmative and the constitutional point of order was sustained.

The SPEAKER. The Chair understands that the sponsors of the different amendments are willing to withdraw their amendments to the title. Is there objection? The Chair hears none and the amendments are withdrawn.

The title was read and agreed to as follows:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-nine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL ON SECOND READING

Agreebly to order,

The House proceeded to the second reading and consideration of House Bill No. 2, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The State Treasurer is hereby authorized and directed from time to time between the effective date of this act and May thirty-first one thousand nine hundred forty-one to transfer from the Motor License Fund to the General Fund such sums not exceeding in the aggregate the sum of thirty-seven million dollars ($37,000,000) as the Governor shall direct Transfers shall be made hereunder upon warrants of the Auditor General upon requisitions of the Governor.

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, lines 6 and 7, by striking out the words: "thirty-seven million dollars ($37,000,000)" and insert in lieu thereof "eleven million four hundred and thirty-one thousand dollars ($11,431,000)."

On the question,

Will the House agree to the amendment?

Mr. ACHTERMAN. Mr. Speaker, the amendments offered by me to House Bill No. 2 are comparatively simple, and strange as it may seem to the minority members, come clearly within the call of the Governor. You will note our proposal is to limit the amount of transfer from the motor fund to eleven million four hundred and thirty-one thousand dollars.

The Governor, although in his call did endeavor to the best of his ability to limit the power and the functions of the Assembly in perhaps the most important problem that has ever faced his administration, nevertheless after careful study I am convinced that the Democratic Party can and is offering today by amendments proposals that will assist him in his dilemma, and will by the same token save money for the people of this Commonwealth. I presume the Governor of Pennsylvania anticipated when he delivered his speech here on Monday evening, that only that portion of the speech which was delivered over the air would receive consideration, and of course that portion emphasized that what he needed was seventy-one million eight hundred and fifty thousand dollars. He proceeded of course to tell the people that by stress and dire effort he had saved them untold sums of money. I believe, of course, that the members of this House might be interested in what savings he made. He appended some extra statements, and one of them was statement VI which states: "Amount made available for relief without new taxes during this administration."

Now, mark you, he says that is the amount made available for relief. I have taken the trouble to find out where he got his money for relief up to the present moment, and that money was obtained by tax anticipation notes. So it becomes apparent and evident, not only to myself but certainly to all the Members of this House, that all of these savings that he talks about that he has made available for relief are still available for relief. May I say that if that money is not available for relief, then the Members of this House have an even more serious duty confronting them, for if that money is not there then certainly we should resolve ourselves to the task of inquiring where it is, and if it is missing then impeach the chief executive of this State.

May I read so that our record will disclose what his speech over the air did not disclose, where this money is available? According to the Governor of this State, not according to me, first, seventeen million dollars of it is a reduction in the cost of operating the State Government; eighteen million dollars of it is created and secured by cancelling and postponing obligations established by former administrations; eight million dollars of it represents savings from January 17, 1939 to May 31, 1939; four million four hundred nineteen thousand dollars has been effected through reductions in appropriations recommended to the Special Session through bills you have introduced; thirteen million dollars represents an increase in estimated revenues, some of which I presume he has already collected and which of course is in the Treasury, some of which he anticipates before the end of the biennium. That makes a total sum of sixty million four hundred and nineteen thousand dollars, and if what he needs, and what he has asked for, is seventy-one million eight hundred fifty thousand dollars then all that we need to transfer, because he has his sixty million dollars, is the sum of eleven million four hundred and thirty-one thousand dollars. We figure that we can therefore with perfect

safety take care of the needy in the State of Pennsylvania and furnish the Governor with the necessary money to feed them. We are doing all that the Governor has asked us to do, all that he said is necessary and needed, and we need only take from the Motor License Fund eleven million dollars. The rest can be saved for the Motor License Fund. You can use it, members of the House, to get the roads into the condition in which they were during the Democratic Administration. Lord knows they need it.

In addition to that, under the program that I am offering you, you need not go out and rob the County Commissioners of Pennsylvania. With this transfer you need not go out and rob the municipalities of their liquor license fund. You need not go out and tap the firemen from their pension fund. You need not worry about all the other savings that you have mentioned in your program. The money is here, the Governor has said it is here, the Governor has bragged it is here, and I say of course, if he has done all of that, then certainly we, not only of the minority but of the majority, have a right to take him at face value. We should be certain that it is there, but if we cannot believe your Governor, our Governor, then whom can we believe? I am assuming that what he had to say on the rostrum on Monday evening was the truth, the whole truth, undiluted. If so he has sixty million dollars that he has saved to give to the people of Pennsylvania for a specific purpose, for relief. He has so stated and I say, who are we not to accept his word? Let us give him the rest of the money he needs. He already has sixty million dollars, let us give him eleven million dollars. That is all the amendment does, and I feel sure that you members of the majority are as desirous as we are of the minority, not only to give to the Governor the money for relief but also to give to the people of Pennsylvania the savings that the Governor has made. Don't you recall as I do how he was going to run that old wringer, and then he was going to do something else. He was going to give it back to the people in savings. Now I am proposing that he do what he promised he was going to do. That bold, that fearless, that brave champion, was going to effect economies in the Commonwealth of Pennsylvania; he assured us he knew how to handle relief. We will help him, if he will only take us into his confidence, in accomplishing the program that he desires to put into force and effect.

Mr. WOODSIDE. Mr. Speaker, in the first place I would like to read to the gentlemen on the other side the statements which were made by the Governor of the Commonwealth of Pennsylvania. They have attempted to put words in his mouth which were never in his speech. Let me read, and I quote:

> "The savings which this administration has made may be divided into various classes. Examples of one type of savings include scrapping of the Thompson School act and the second General State Authority act, with an over all savings of a hundred and fifty millions in those two items alone. Not spending that money does not mean we still have it. The State never had it. If it had been spent it would have meant that the State would have been forced to levy additional taxes to get itself out of debt."

Another one of these savings which was referred to and which appears in statement VI is the reduction in the cost of operating the state government of seventeen million dollars. Still another was cancelling and postponing obligations established by the preceding administration amounting to eighteen million dollars, and savings from January 17, 1939 to May 31, 1939 of approximately eight million dollars; reduction in appropriations recommended to the special session four and a half million dollars, representing sums against which we can appropriate. But the sixty million, four hundred and nineteen thousand dollars is not now in the treasury and it does not mean that it ever was in the treasury, nor is it a sum against which we can appropriate. It merely means this, that the greater part of the sixty million, four hundred and nineteen thousand dollars are obligations which would have to have been paid in this biennium by this administration if those savings had not been made. Since those savings were made and it is possible to appropriate for relief without additional taxation that much additional money. That doesn't mean that that money is all here now, nor is it here to be appropriated against, it merely means that we would have had to raise taxes in the last regular session of the Legislature in order to meet those expenses, or on the other hand we would have had to reduce the appropriation for direct relief by that amount. Since those savings were made it was not necessary for us to levy new taxes, nor was it necessary to reduce the appropriation for relief by that amount. That does not mean that the sixty million odd dollars is now available for appropriation; it is not now available to appropriate. The thirteen million dollars increase in estimated revenue is available to appropriate against, which goes to make up the sum for which the appropriation in this session will be made, and there is the reduction in appropriation recommend to the special session. I think that the matter is perfectly clear to all the members of the House and to the people of the Commonwealth of Pennsylvania who take the time to give it consideration.

Mr. ACHTERMAN. Mr. Speaker and members of the House, before offering the amendments let me say that I did not confine myself to statement VI alone. I also read his speech and I discovered the phantom saving of one hundred fifty million dollars which the gentleman so aptly mentioned. I assume of course that was intended for publicity over the air and that the members of this House would not give it serious consideration in approaching the problem that we have before us. But I certainly did not assume that we would have a Ponzi financial operation when he said, "Here is the amount we made available for relief." I assumed that those words meant just exactly what the average individual associates with the words when you say that you "make available." Of course, I can appreciate what a difficult job the floor leader may have if the Governor of Pennsylvania is going out over the highways and byways, and even into the assembly, and telling the people about all the money he has saved when he did not save it, and is going to tell the legislature of all the money, Mr. Speaker, he has made available for relief and he hasn't it available. I can appreciate, yes, I can sympathize with a floorleader who has a job like that on his hands. Certainly, Mr. Speaker, under the circumstances the proposal we made when these bills were first introduced should have been followed: you should have sent these bills back to committee so that we could have the Department heads here, or some responsible individual, so that we could learn how much money was there. If it is not sixty million dollars what is it? Of course, it is a sad commentary on any governor who has the audacity to come before the General Assembly and tell them, "Yes I have sixty million dollars," is he doesn't, and then expect the

floor leader of his party to come in and make apologies for him; but when the Governor of Pennsylvania comes before this House and explains to us what he meant when he said he had sixty million dollars available for relief, certainly I am going to follow out the request, the statement of the Governor of Pennsylvania; I am going to take him at one hundred percent face value and assume he is right, and assume he has it, and I am asking the other members of the House to do likewise, both Democrats and Republicans. That is the only way you can cure your Governor from going out and making irresponsible statements not only to you but to the people of this state.

Mr. WOODSIDE. Mr. Speaker, I think there are times when I do need sympathy but I do not believe that this is one of those times; although I thank the gentleman from Monroe for his sympathy, I feel at this time in this matter I do not need it.

The Governor's statement VI attached to his address says in the heading "Amount made available for relief without new taxes during this administration." I ask the members to note that in reading the heading. The gentleman from Monroe did not read the last three words, "during this administration." I am rather of the opinion that the gentleman has been aware, I hope he has, that this administration has been in office since January, 1939. That does not mean that the money is available today.

He has quoted the Governor as saying in this statement that we have the money. That is not in the statement. The statement is the "amount made available for relief without new taxes during this administration." The matter is perfectly simple. I am sorry I was not able to make it clear in my previous remarks. I will try once more.

These are obligations which under the law existed when the administration took office. If it had continued to carry on these things in the way they were being carried on, that is, in an extravagant manner, it would have been impossible to make these savings, but because of the acts of the administration these savings were made, and because these savings were made an increased amount was made available for relief appropriation. Some of that was made available for the relief appropriation that was made during the regular session of the Legislature. The rest of it has been made available for appropriation, which will be appropriated again in this session. There is the whole story, it is perfectly simple, and it seems to me that the gentlemen on the other side, if they want to see it, can see it as clearly as the gentlemen on this side can.

Mr. ACHTERMAN. Mr. Speaker, I anticipated the particular answer I received from the majority floor leader. I assumed that it would possibly be made before, but as a matter of fact I stated in the beginning of my remarks that I had taken the trouble to find out where he got the money he had spent for relief. That money did not come from any of the funds or from any of the sources mentioned in statement VI. That money came from tax anticipation notes. All of this is something different, something else. He did not spend it for relief. Of course, as I remarked, if it is not there, we have a serious duty before us. If it is there, and he says it is, then certainly we had better use it for what he said he had saved it for, because he has not spent it for relief up to the present moment.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Achterman and Mr. Holland and were as follows:

YEAS—60

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | McLane, | Rider, |
| Allmond, | Downey, | Melchiorre, | Rooney, |
| Andrews, | Finnerty, | Mihm, | Rosenfeld, |
| Baker, | Flanagan, | Mooney, | Rothenberger, |
| Balthaser, | Harkins, | Moran, | Sarraf, |
| Bardes, | Hindman, | Munley, | Schrope, |
| Boles, | Hoffman, S. K., | O'Brien, | Schwab, |
| Boney, | Holland, | O'Connor, | Shaw, |
| Brancato, | Jirolanio, | O'Keefe, | Skale, |
| Broad, | Kenehan, | Ominsky, | Stank, |
| Brown, H. S., | Kilroy, | O'Neill, | Tarr, |
| Burns, | Levy, | Powers, | Tronzo, |
| Burris, | Long, | Readinger, | Welsh, E. B., |
| Cohen, R. E., | Lovett, | Reese, R. E., | Welsh, M. J., |
| DeNote, | Malloy, | Regan, | Williams, |

NAYS—110

| | | | |
|---|---|---|---|
| Ackermann | Ely, | Lee, | Schrock, |
| Alspach, | Fisher, | Leisey, | Seif, |
| Atkins, | Fiss, | Leydic, | Serrill, |
| Balliet, | Fleming, | Lichtenwalter, | Shearer, |
| Bennett, | Foor, | Lyons, | Simons, |
| Boorse, | Fullerton, | Madden, | Snyder, |
| Boose, | Gates, | Marr, | Sollenberger, |
| Bower, | Gillan, | McClester, | Stambaugh, |
| Boyd, | Gillette, | McNally, | Stewart, |
| Bronson, | Hatbyshaw, | McVay, | Stockham, |
| Brown, S. W., | Haines, | Montgomery, | Taylor, |
| Brunner, | Hall, | Moser, F. S., | Thistle, |
| Cadwalader, | Harbeson, | Moser, J. L., | Thompson, G. R., |
| Calvin, | Haudenshield, | Muir, | VanAllsburg, |
| Carpenter, | Henry, | O'Dare, | Voorhees, |
| Christler, | Hewitt, | Peacock, | Wagner, |
| Clark, | Hocke, | Peale, | Watkins, |
| Clearwater, | Hoffman, J. N., | Reagan, | Webster, |
| Cook, | Hoyt, | Reese, D. P., | Weiss, |
| Cooper, | Huntley, | Reynolds, | Wilkinson, |
| Cordier, | Imbrie, | Rhodes, | Wilson, |
| Cortese, | Irvin, | Riley, | Winner, |
| Curran, | James, | Robertson, | Wood, N., |
| Dalrymple, | Johnston, | Rose, | Woodside, |
| Denman, | Kline, | Roseberry, | Yeakel, |
| Dick, | Knoble, | Royer, | Turner, |
| Donahue, | Kowalski, | Sarge, | Speaker. |
| Eckels, | Krise, | | |

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 4, by inserting after the word "shall" the following: "except as herein otherwise provided"

Amend Sec. 1, page 2, line 5, by inserting after the partword "ified" the following: "Provided, however, That all moneys required by existing law to be paid out of the aforesaid fund to political subdivisions shall be paid to such political subdivisions at the time provided for in such law, and such payments shall not be postponed or affected by the transfer of funds provided for by this act: And provided further, That the said transfer of moneys shall not in any manner curtail or prejudice any highway or road program undertaken or the care and maintenance of any road or highway subject to state control."

On the question,

Will the House agree to the amendments?

Mr. ROSENFELD. Mr. Speaker, this blitzkreig program of Governor James' attempts to unbalance the budget of every city, township and borough in this Commonwealth, budgets which in some instances have already been prepared and are now somewhat prejudiced. In Philadelphia we are entitled to a little over one million dollars out of this Motor Vehicle Fund. This amount of money we will

have to get along without, and of course, the situation being as bad as it is in our city, it means borrowing the money. The same argument can be used in regard to every city and township in this Commonwealth. This is tantamount to highway robbery, it is taking the money which is justly due our city, and I speak as well for every other city in this Commonwealth.

The amendment speaks for itself. Its essence of course means that we cannot be curtailed in our highway program as well as any other enterprise that we undertake by reason of the funds anticipated.

I, therefore, ask you to vote "aye" on this amendment.

On the question recurring,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 The amounts transferred under this act from the Motor License Fund to the General Fund shall be repaid to the Motor License Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one.

On the question,

Will the House agree to the section?

Mr. LEVY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, line 10, by inserting after the words "forty-one" the following: "from revenue available for expenditures for the biennium ending May thirty-first, one thousand nine hundred and forty-one."

On the question,

Will the House agree to the amendment?

Mr. LEVY. Mr. Speaker, in House Bill No. 2, section 2, the administration has seen fit to include the following wording:

> "The amounts transferred under this Act from the Motor License Fund to the general fund shall be repaid to the Motor License Fund out of the General Fund not later than June 30th one thousand nine hundred forty-one."

Mr. Speaker, I can fully appreciate the attitude of the majority, if they care to believe what the Governor says he has saved, if they care to believe what the Governor says he has appropriated for relief, but I cannot for the life of me understand how you members can go back after this Special Session content with the thought that this money will be repaid without any stipulation as to how it will be repaid at the time stipulated in this measure.

We are taking by House Bill No. 2 thirty-seven million dollars out of a certain special fund. You men on the other side of the chamber know full well how important it is that these funds remain intact in the Treasury. I have only to quote the Governor from his speech on Monday evening when he says that reports from the Highway Department, along with the increase in the estimate of the Motor License Fund revenues, show that there will be an unexpended balance in that fund as of May 31, 1941, of some odd thirty-seven million dollars. He says further that a very small portion of that is now in the fund, but that during the rest of the biennium this money will come naturally into the fund, during the period of the payment of automobile licenses, and so forth, in the spring of 1941. If the Republican leadership is honest, if they intend to repay this money, then I know that the Republican leadership agrees with this amendment. We are not doing anything more than asking that the moneys that are promised to be repaid into this special fund be taken from revenue available at the end of the biennium. There is nothing peculiar about this amendment. If the Republican leadership is honest, if they feel that this money will be repaid, then they won't object to this amendment. If by some peculiarity the Republican leadership feels that when the time comes they are not going to repay back this money then certainly they will object to the insertion of this amendment in House Bill No. 2.

I might bring to the attention of the members of this House that House Bill No. 2 as it is written now, especially section 2, is positively contrary to the Constitution, which the majority floor leader has brought out so emphatically in his argument. We are attempting by House Bill No. 2 to tie the hands of the next Legislature, to which body many of the members now present will not belong. We cannot do it and never could. If we do not insert in this Bill some amendment stating how and when this money will be returned to the special fund we are positively overstepping our authority. It is not fair and the Republican leadership knows it is not fair, and if they are honest about the situation they will include this amendment in this Bill. I ask every one of the members on the Republican side who are interested in this fund to vote for this amendment, so that we might be assured in May of 1941 that this money is sent back into the special fund from whence it came.

Mr. WOODSIDE. Mr. Speaker, if the gentleman knew the a b c's of the finances of the government of Pennsylvania he should know that his amendment would make impossible the repayment of this money.

Mr. ANDREWS. Mr. Speaker, I cannot expect that the bright and glimmering scimeter of my logic will prevail against the hypnotic spell the majority leader has cast upon his followers. Nevertheless I owe it as a duty to myself to at least call the attention of the minority to the fact that this amendment is the logical conclusion, logically following the statement made by the majority leader.

The majority leader has assured his attentive and obedient constituency that the Governor of Pennsylvania does not have sixty million dollars but he has made it available. Now, gentlemen, it can only have been made available during the present biennium. Let us take the majority leader at his word and say that the sixty million dollars is not available now but that during this bennium it will be made available as a result of the surpassing statesmanship of the present administration. We haven't got it, you cannot see it, but ultimately we are going to produce it, but we cannot produce it except during this present biennium. Now, when the gentleman from Philadelphia amends this bill and says, "All right, we will take you at your word, you are going to save this sixty million dollars, maybe you will save sixty million dollars more, and therefore we will provide in this legislation that out of the money you save you shall during this biennium and at the close of the biennium pay the obligations that you have incurred." If it is not true, gentlemen, that this money has not been saved and cannot be saved and won't be saved,

you cannot appropriate it. If it is true that it can be saved, it will be saved, that it will be made available for appropriation, you can apply it to this particular obligation.

The majority leader has gotten himself into a trap. He said, "We haven't got it now but we will get it." All right, if he is going to get it, the gentleman from Philadelphia in his amendment is perfectly logical, and he says, "You are going to get it, we take you at your word you are going to get it, now apply it upon this moral obligation and make it a legal liability."

Mr. WOODSIDE. Mr. Speaker, the gentleman is again throwing dust. I think I made it perfectly clear three or four or five times on the floor of this House that the money referred to is money against which appropriation for relief was made in the regular session and is no longer available against which we can appropriate.

Let me explain those items so that the record will be clear. There is one item of seventeen million dollars, reduction in cost of operating the state government. That is ascertained by comparing the appropriations of 1939-1941 with the appropriations of 1937-1939 item for item, eliminating the General State Authority costs. That shows a seventeen million dollar reduction, without the thousands.

The next item is cancelled and postponed obligations established by former administrations eighteen million dollars. That represents the postponement of additional school obligations imposed by the 1937 session, seven million eight hundred thousand; postponement of taking over county hospitals, four million, eight hundred thousand; postponement of relieving counties of payment of three dollars per week for indigent patients in mental hospitals, roads four million nine hundred and forty thousand; postponement of opening Butler Sanatorium eight hundred and fifty thousand or a total of eighteen million, three hundred and ninety thousand. The other eight million dollars represents abandoning the Thompson Building program and lapsing appropriations, abandoning the second State Authority program and lapsing appropriations, reducing departmental costs, discharging unnecessary employes. Those items have all been appropriated against and are all included in the budget as it was made up and as it was enacted into law in the regular session of 1939.

Mr. LEVY. Mr. Speaker, the longer I listen to the majority floor leader the more I am becoming convinced that the administration is not going to pay back this money. The majority leadership might be able to distort the words but he cannot distort the figures. The fact remains that House Bill No. 2 is taking out of a certain fund thirty-seven million dollars. The bill says in section 2 we are going to repay it. They do not say how they are going to repay it because they don't know how they are going to repay it. Let us be honest with ourselves. The Governor in his speech on Monday night said that the money lying in certain funds was gathering dust. The majority floor leader says in fact there is no money there. I do not know who to believe but I do know that if we do not pass this amendment in May of 1941 we are going to have plenty of dust and no money. I defy the majority leadership to state his reasons why he is objecting to the amendment. If he says we are sure of getting the money back what is the purpose behind the objection?

Mr. ACHTERMAN. Mr. Speaker, I earlier in my remarks on this particular subject made reference to Ponzi financing. Apparently those remarks are correct from the statement that the majority floor leader has just made. Apparently these savings and the funds available are just about as substantial as the tax reductions that have occurred in Pennsylvania up to the present time.

Speaking of Ponzi financing, of course the majority floor leader said we had already appropriated against these savings. I might point out that one of these items is eighteen million dollars which he says represents savings from January 17, 1939 to May 31st, 1939. Certainly that was not involved in appropriations. Four million dollars that he mentioned is reductions. Thirteen million dollars is increase in revenues. Of course it may all be phantom, I would not be surprised that it is, but I complain against a Governor who comes before the people and before their assembly and does not tell the truth.

As to the amendment that is before the House now, may I point out just what we are aiming to do because after all your party seems to have prophets, and the Governor, of course, is a prophet as well as a magician. In his speech he said this:

> "We are not faced with the serious task of raising new revenues but only to make the money we already have in sight available for relief purposes. In the main we propose to merely take the money we already have out of one pocket and put it in another."

Of course what we propose that he shall do is at the end of the biennium to take it out of that other pocket and put it back where he originally got it. That is what the minority proposes. We say, do not rob the highway fund, do not rob the County Commissioners, do not rob your municipal employees, do not rob the pension fund of the firemen. If you need the money, provide ways and means of returning it. If what he says is true, that you have got the money, except it is not available in the proper fund but it will be during the course of the year, then certainly be brave enough, be just as fearless, as the Governor claims to be, and pass the necessary legislation to put it back at the end of the year, but this is what we are fearful of, and remember that the Governor said this in his speech: "Time has twice disproven these forecasts, I will leave it to time to dispose of the third version." He is speaking of increased taxes.

He says further: "But I will say again, what I have said before, that the liklihood of need for new taxes grows less day by day. We are in infinitely sounder position today than eighteen months ago." He means by that, of course, he is going to have the money, and if he is going to have the money then certainly he should not object to paying it back, unless one of the men who was responsible for his nomination and election, through the columns of his newspaper, played the prophet when he told the people it is not going to be paid back and that they might as well prepare themselves today for that event. I want to read what that prophet and seer of the Republican Party, Moe Annenberg, had to say in his Inquirer of April 28 1940:

> "The highway secretary says there are thirty-one million dollars available for transfer without hurting the road program. Shall this surplus be tied up or shall it be used to prevent increased taxes? Motorists, all of whom feel the pinch of taxation, are not likely to quibble much about the temporary diversion of unneeded funds when they realize that by this measure new tax levies will be averted.

Here comes the prophecy by that great leader of your

party, Moe Annenberg, the man who made your Governor:

"Many of them may even feel that if the surplus is not required for roads for this year the transfer might very well be made permanent—in this specific instance only—as further insurance against added taxation. That however is a matter for future legislative consideration."

Do you understand where they are driving? We have yet to see where they are driving. We know that down deep in their hearts there is no intention of paying this money back, and for that reason we are taking the additional safeguard to insure that the money will be paid back. If you men are sincere in saying that the money is going to be paid back then you will vote for this amendment. That does not destroy the program which the Governor has announced to the public; it does destroy the Moe Annenberg program, and certainly you cannot object to that. Certainly you can vote to assure the motorists that this money that is paid for their highways, intended for their highways, earmarked for their highways, shall be paid back and used for their highways.

Mr. HOLLAND. Mr. Speaker, we have just heard a quotation from the leader of the Republican party, Moe Annenberg, in which he said that the Secretary of Highways stated that there were thirty-one million dollars in the Motor Vehicle fund. I wish to quote from the Governor's speech in which he says:

"Reports from the Highway Department along with the increase in the estimate of motor license fund revenues, show that there will be an unexpended balance in that fund, as of May 31, 1941, of thirty-seven million dollars. Very little of that money is in the fund now—the bulk of it will be received in payment for automobile licenses in the spring of 1941."

To be truthful, ladies and gentlemen, as I sat there I thought I was listening to an Amos and Andy program on financing. One says, "We have it"; the other one says, "We don't have it." Here we have an increase in estimated revenues of thirteen million dollars. I believe that the Governor should have said "Increase in estimated revenues if the war continues of thirteen million dollars."

He also states that there is a saving of eight million dollars from January 17, 1939 to May 31, 1939. Now, I have been taught that a saving means that after you save it you have it. I certainly am confused, and I think like Amos and Andy we had better bring in the Kingfish to explain where they are going to get the money.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Levy and Mr. Achterman and were as follows:

YEAS—65

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Melchiorre, | Rooney, |
| Allmond, | Finnerty, | Mihm, | Rosenfeld, |
| Andrews, | Flanagan, | Mooney, | Rothenberger, |
| Baker, | Furman, | Moran, | Sarraf, |
| Balthaser, | Harkins, | Munley | Schrope, |
| Boles, | Hindman, | O'Brien, | Schwab, |
| Boney, | Hoffman, S. K., | O'Connor, | Shaw, |
| Brancato, | Holland, | O'Keefe, | Stank, |
| Broad, | Jirolanio, | Ominsky, | Skale, |
| Brown, H. S., | Kenehan, | O'Neill, | Tarr, |
| Burns, | Kilroy, | Powers, | Thompson, E. F. |
| Burris, | Levy, | Preston, | Tronzo, |
| Check, | Long, | Readinger | Weiss, |
| Cohen, R. E., | Lovett, | Reese, R. E. | Welsh, E. B., |
| Corrigan, | Malloy, | Regan, | Welsh, M. J., |
| DeNote, | McLane, | Rider, | Williams, |
| Donohoe, | | | |

NAYS—115

| | | | |
|---|---|---|---|
| Ackermann, | Ely, | Lee, | Serrill, |
| Alspach, | Ewing, | Leisey, | Shearer, |
| Auker, | Fisher, | Leydic, | Simons, |
| Balliet, | Fiss, | Lichtenwalter, | Snyder, |
| Bardes, | Fleming, | Lyons, | Sollenberger, |
| Bennett, | Foor, | Madden, | Stambaugh, |
| Boorse, | Freed, | Marr, | Stewart, |
| Boose, | Fullerton, | McGarrity, | Stockham, |
| Bower, | Gates, | McKinney, | Sweeney, |
| Boyd, | Gillan, | McNally, | Taylor, |
| Bronson, | Gillette, | McVay, | Terry, |
| Brown, S. W., | Habbyshaw, | Montgomery, | Thistle, |
| Cadwalader, | Haines, | Moser, J. L., | Thompson, G. R., |
| Calvin, | Hall, | Moser, F. S., | Tiemann, |
| Carpenter, | Harbeson, | Muir, | Trout, |
| Christler, | Haudenshield, | O'Dare, | VanAllsburg, |
| Clark, | Henry, | Peacock, | Voorhees, |
| Clearwater, | Hewitt, | Peale, | Wagner, |
| Cook, | Hocke, | Reagan, | Watkins, |
| Cooper, | Hoffman, J. N., | Reese, D. P., | Webster, |
| Cordier, | Hoyt, | Reynolds, | Wilkinson, |
| Cortese, | Huntley, | Rhodes, | Wilson, |
| Curran, | Imbrie, | Riley, | Winner, |
| Dalrymple, | Irvin, | Robertson, | Wood, H. M., |
| Denman, | James, | Rose, | Wood, L. H., |
| Dix, | Johnston, | Roseberry, | Wood, N., |
| Dick, | Jones, | Royer, | Woodside, |
| Donahue, | Kane, | Schrock, | Yeakel, |
| Eckels, | Krise, | Seif, | Turner, |
| | | | Speaker. |

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act transferring from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## MOTION TO RECOMMIT

Mr. HARKINS. Mr. Speaker and members of the House, I desire after this bill has passed second reading to move that the bill be recommitted to the committee on Highways with the request that the Secretary of Highways be invited to a public hearing in order that we may ascertain whether or not there is going to be any curtailment in the proper care of the highways during the coming year. So, Mr. Speaker, if the bill has passed second reading, I desire to make that motion.

On the question,

Will the House agree to the motion?

Mr. HARKINS. Mr. Speaker, my purpose in making this motion is because I have two highways in my district which are in very bad condition, they are state highways, and because I have informed the department of highways of the condition of these roads and have met with no success. I have been given no encouragement as to the type of improvement that is going to be made. Now, it well may be that in the far flung program or plan of the Secretary of Highways these roads will be repaired six years from now, but being only a member of the House of Representatives and being now a member of the minority I suppose I cannot expect too much from the Department of Highways with respect to information as to what they are going to do as to the bad condition of the roads that have been brought to their attention.

One of these roads is known as legislative route 736,

and the condition that I have asked the Department of Highways to eliminate is a curve at which point during the year 1939, according to a report from the Chief of Police of the township of Mifflin, in which the road is located, there occurred sixty different automobile wrecks, involving one hundred seventy cars, causing injuries to sixty-two people and causing the deaths of five. The total estimated damage at this spot during that year to the cars that were involved was $12,517—

POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, I would like to give all the leeway possible in debating the question, but I think the gentleman from Allegheny has certainly gone far afield.

The SPEAKER. The Chair is of the opinion that the gentleman from Allegheny is not speaking on the question before the House. The gentleman from Allegheny will confine his remarks to the question.

PARLIAMENTARY INQUIRY

Mr. HARKINS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. HARKINS. Mr. Speaker, I understand that this bill contemplates the transfer of funds from the Motor Vehicle fund, and I am giving my reasons for sending the bill back to the committee at this time, which reasons are that I would like to know the program of the Department of Highways as it contemplates the improvement or the non-improvement of these two particular roads. Certainly these roads will be affected by the transfer of these funds. I feel I am talking on the motion and I would like permission to proceed.

The SPEAKER. The Chair is of the opinion that on a motion to recommit the gentleman must not discuss the merits of the Bill. The gentleman will confine his remarks to the motion before the House.

Mr. HARKINS. Mr. Speaker, as a further reason for the motion I would cite that I have had numerous inquiries and letters from various civic associations in that vicinity. I have been memorialized and petitioned by the City Council of the city of Duquesne, by all of the civic clubs in the vicinity to call the attention of the Department of Highways to this dangerous condition. I feel that unless we do take some action at this point, mainly to send this bill to the Committee on Highways in order to give the various members an opportunity to ascertain from the responsible executive of the Department of Highways just what curtailment will be made necessary, or just what the net result will be on the program of the Department of Highways, that we as members of the House, both minority and majority, are going to be left holding the bag, and I am afraid that the bag is going to be empty. There isn't going to b any work done on the highways in the next year.

I might also call to the attention of the House that I have consulted with the Department relative to one of these roads, which is legislative route 02185, and I have received from the chief engineer of the Department of Highways a letter which says:

> "Responding to your inquiry of November 24, the Department of Highways is obligated to maintain all highways on the system, irrespective of their importance. However, we have not been able to finance the construction of a secondary program, for the reason that we are expending all money available for this class of work on WPA Projects, and many of our secondary roads are being built as WPA Projects, where labor is available."

I say to you that that letter, which was written to me on November 24, 1939, signed by T. C. Frame, who was then Chief Engineer of the Department of Highways, contains a sufficient indication of the fact that the Department at that time was not properly taking care of the secondary roads in this state. I submit that these reasons are sufficient reasons for us to ask the Department of Highways, the Secretary of Highways, Mr. Hughes, to come here and give us the benefit of his broad knowledge of the program that the Department either has or has not. We are entitled to know that, and so I ask you men on the other side of the House, particularly I ask my fellow colleagues from Allegheny County, who know the importance of this road, legislative route 736, traffic route 837, which follows the course of the Monongahela River for a distance in our county of fifteen or twenty miles to support my motion. We all know the condition of that road, we all know it is a difficult road to maintain at its best, and we know it is not properly maintained, that parts of it which have not already slipped away into the river will do so in the future. I say, in fairness to the people who have paid their license fees, who expect to have the roads maintained, we must see to it that we discharge our duties. Of course, we have a duty to the people who are on relief, but in addition to that we have a duty to those people who have paid money in the way of license fees and operators' fees to see that they have roads maintained in a proper manner, as they know and as we know they are entitled to have them maintained. For that reason I particularly urge the members from Allegheny county who know the condition of the road and know that the condition I have talked about is true, to vote to at least allow us the opportunity of ascertaining when and how the Department of Highways is going to repair and maintain these roads.

I say in conclusion that if you members of the House believe that we should stand idly by and let the Department of Highways fail to eliminate a condition where five deaths have occurred and sixty-two people have been injured, simply because they do not want to be bothered by a representative of the people, then I say vote down my motion, but if you believe in safety, if you believe as I do that this is only one small example of the conditions that exist all over the Commonwealth, if you want to promote safety, then at least give us a chance to have the Secretary of Highways or his responsible deputy tell us just exactly when the roads are going to be repaired and what curtailment this transfer will effect with respect to that program.

Mr. SEIF. Mr. Speaker, just so the record will be straight in regard to the members of the House from Allegheny county, may I state that the Republican members in any event have no doubt about the efficiency of the present State Highway Department. These roads about which the able Representative from Allgheny county has spoken are in better condition now than they were during the Democratic administration. We have made a thorough

study of the effect of this transfer and are satisfied in Allegheny county that the transfer requested at this time will not impede or hamper in any way whatsoever the highway program. We feel that there is no necessity whatsoever to prolong this session by having this bill referred to committee for an open hearing with the Secretary of Highways. We have already taken the trouble, we Republicans from Allegheny county, to ascertain those facts. We have learned from various motor clubs in Allegheny county that the representatives of the motor clubs have no objection whatsoever to this transfer because they as we believe realize and know that at this time this transfer will not impede, hamper, harrass or impair any highway maintenance or construction.

I merely speak in behalf of the Republican members so that the record will show in this House that the Republican members are in every way as much concerned about proper highway safety as the Democratic members. We have already taken the trouble to ascertain what the Democratic Representative wants to ascertain by referring this bill back to committee.

I ask the members of the House to vote down the motion.

The SPEAKER. The Chair thinks very wide latitude has been permitted in debating this question on the part of the gentleman from Allegheny, and that further debate on the highway program is an imposition on the leniency of the Chair.

Mr. HARKINS. Mr. Speaker, I regret that I deem it necessary to differ with the Chair with respect to further debate being an imposition on the leniency of the Chair. I thank the Chair for the leniency and courtesy which he has extended to me. However, I feel that the debate so far has been proper insofar as it is quite possible that any transfer would affect or may affect our roads.

Mr. Speaker, I desire at this time to interrogate the gentleman from Allegheny, Mr. Seif.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SEIF. I shall, Mr. Speaker.

Mr. HARKINS. I might say, Mr. Speaker, prior to making my interrogation, I have a sheaf of letters here which I did not read at length because I did not wish to transgress on the courtesy of the Chair. I now desire, Mr. Speaker, to ask the gentleman from Allegheny, Mr. Seif, whether he is familiar with the particular curve on the Duquesne Boulevard near Kennywood which I described, where the deaths occurred—

## POINT OF ORDER

Mr WOODSIDE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr WOODSIDE. Mr. Speaker, the gentleman is certainly not speaking on the motion. In all my experience in the House I have never known a time when we have gone as far afield as this. We could talk about every road and every curve in the Commonwealth of Pennsylvania, and it would be relevant to this matter, if the question the gentleman is asking were permitted by the Chair. I ask for a ruling by the Chair.

The SPEAKER. The Chair rules that the point of order is well taken.

## PARLIAMENTARY INQUIRY

Mr. HARKINS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his parliamentary inquiry.

Mr. HARKINS. Mr. Speaker, I would like to inquire of the Speaker whether or not every state highway and every curve on every state highway which may or may not affect the safety and lives of the citizens of Pennsylvania who use it is not properly brought into the discussion by the transfer of highway funds.

The SPEAKER. The gentleman is informed by the Chair that under the bill the question might be pertinent, but under the motion to recommit it is not pertinent and the gentleman is clearly not speaking on the question before the House.

Mr. HARKINS. I would inquire further, Mr. Speaker, whether it is not parliamentarily correct to permit a member to state his reasons for or against a motion.

The SPEAKER. The Chair is of the opinion that it is proper to state his reasons for or against a motion, but this being a motion to recommit the Chair thinks the gentleman has stated his reasons many time, has given his real and pertinent reasons very definitely, and is now introducing extraneous matters which are clearly not in point.

Mr. HARKINS. I am sorry, Mr. Speaker, if I have done so. I felt, however, that I was merely giving the reason for the motion to recommit.

I still desire to interrogate the gentleman from Allegheny.

The SPEAKER. The Chair desires to read for the information of the gentleman from Allegheny rule 54 which reads:

> "A motion for commitment shall preclude amendment or decision on the original subject."

This rule is interpreted to mean that the original subject matter is precluded from discussion.

Mr. HARKINS. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Seif.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SEIF. Mr. Speaker, I will permit interrogation providing the Speaker rules it is pertinent.

Mr. HARKINS. I only wish to interrogate the gentleman from Allegheny, Mr. Speaker, on the comments he made relative to the people from Allegheny county who have said that this death curve trap that I spoke about and the roads in Allegheny County are safe and that this transfer will not affect the condition of those roads.

The SPEAKER. The Chair is of the opinion that he can not very well object to the interrogation in view of the fact that the gentleman from Allegheny, Mr. Seif, in his reply to the remarks of the gentleman from Allegheny, Mr. Harkins, did make certain statements. However, the Chair requests the gentleman from Allegheny to withdraw his interrogation because he thinks it is an imposition upon the leniency which the Chair has already extended.

Mr. HARKINS. In deference to the wishes of the Speaker, I will withdraw it. I only asked it because statements have been made and I would like to have had my interrogation answered.

Mr. LEVY. Mr. Speaker, on the motion to recommit the bill to the committee on Highways I would like to bring to the attention of the House that yesterday, accord-

ing to the newspapers, the Secretary of Highways, Mr. Lamont Hughes, appeared before the Republican caucus in a secret session, and I think it is only fair and reasonable to request the Secretary of Highways to appear before a Committee of the House and tell that Committee of the House what he told the Republican caucus.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Harkins and Mr. Rosenfeld and were as follows;

YEAS—59.

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Moran, | Sarraf, |
| Andrews, | Finnerty, | Munley, | Scanlon, |
| Baker, | Furman, | O'Brien, | Schrope, |
| Balthaser, | Harkins, | O'Connor, | Schwab, |
| Boles, | Hindman, | O'Keefe, | Shaw, |
| Boney, | Holland, | Ominsky, | Skale, |
| Brancato, | Kenehan, | O'Neill, | Stank, |
| Broad, | Kilroy, | Powers, | Tarr, |
| Brown, H. S., | Long, | Reese, R. E., | Thompson, E F. |
| Burns, | Lovett, | Regan, | Tronzo, |
| Burris, | Malloy, | Rider, | Weiss, |
| Check, | McLane, | Rooney, | Welsh, E. B., |
| Cohen, R. E., | Melchiorre, | Rosenfeld, | Welsh, M. J., |
| DeNote, | Mihm, | Rothenberger, | Williams, |
| Donohoe, | Mooney, | | |

NAYS—112.

| | | | |
|---|---|---|---|
| Ackermann, | Freed, | Lichtenwalter, | Sloan, |
| Auker, | Fullerton, | Lyons, | Snyder, |
| Bennett, | Gates, | Marr, | Sollenberger, |
| Boorse, | Gillan, | McClester, | Stambaugh, |
| Boose, | Gillette, | McGarrity, | Stewart, |
| Bower, | Habbyshaw, | McKinney, | Stockham, |
| Boyd, | Haines | McNally, | Sweeney, |
| Bronson, | Hall, | McVay, | Taylor, |
| Brown, S. W., | Harbeson, | Montgomery, | Terry, |
| Brunner, | Haudenshield, | Moser, F. S., | Thistle, |
| Cadwalader, | Henry, | Moser, J. L., | Thompson, G.R., |
| Calvin, | Hewitt, | Muir, | Tiemann, |
| Carpenter, | Hocke, | O'Dare, | Trout, |
| Christler, | Hoffman, J. N., | Peale, | Van Allsburg, |
| Clark,, | Hoyt, | Reagan, | Van Belle, |
| Clearwater, | Huntley, | Reese, D. P., | Voorhees, |
| Cooper, | Imbrie, | Reynolds, | Wagner, |
| Cordier, | Irvin, | Rhodes, | Watkins, |
| Cortese, | James, | Riley, | Webster, |
| Dalrymple, | Johnston, | Robertson, | Wilkinson, |
| Denman, | Jones, | Rose, | Wilson, |
| Dix, | Kane, | Roseberry, | Winner, |
| Donahue, | Kline, | Royer, | Wood, H. M., |
| Eckels, | Knoble, | Schrock, | Wood, L. H., |
| Ely, | Kowalski, | Seif, | Wood, N., |
| Ewing, | Lee, | Serrill, | Woodside, |
| Fisher, | Leisey, | Shearer, | Yeakel, |
| Fiss, | Leydic, | Simons, | Turner, |
| Foor, | | | Speaker. |

So the question was determined in the negative and the motion to recommit was not agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 3, entitled:

An Act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money.

The first and second sections were separately read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The moneys and the proceeds derived from the liquidation hereinafter required of the investments held in the State School Fund upon the effective date of this act are hereby transferred to the General Fund and any moneys coming into the State School Fund between the effective date of this act and May thirty-first one thousand nine hundred forty-one shall be transferred to the General Fund immediately upon their payment into the State School Fund But the total amount to be transferred under this section shall not exceed two million dollars ($2,000,000) Provided however That the amount so transferred shall be only in such sum as will leave sufficient in the State School Fund to pay any allocations made by the State Council of Education from such fund prior to the effective date of this act

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 Upon the final enactment of this act the State Council of Education shall proceed immediately to dispose of such investments in the State School Fund for the best prices obtainable as may be necessary to effectuate the transfers authorized by this act

The third section was read as follows:

Section 3 The amounts transferred under this act from the State School Fund to the General Fund shall be repaid to the State School Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 3, page 2, line 20, by inserting after the words "forty-one" the following: "from revenue available for expenditure for the biennium ending May thirty-first, one thousand nine hundred forty-one"

On the question,

Will the House agree to the amendment?

Mr. ACHTERMAN. Mr. Speaker, this amendment is similar to the one offered by the gentleman from Philadelphia, Mr. Levy, to House Bill No. 2. The remarks which he made on that particular amendment have equal application to this amendment. Beyond that I will make no remarks.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring.

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 4, entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The moneys in the Liquor License Fund upon the effective date of this act are hereby transferred to the General Fund and any moneys coming into the Liquor License Fund between the effective date of this act and May thirty-first one thousand nine hundred forty-one shall be transferred to the General Fund upon their payment into the Liquor License Fund But the total amount to be transferred under this section shall not exceed seven million two hundred fifty thousand dollars ($7,250,000)

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified.

On the question,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 5, by inserting after the word "shall" the following: "except as herein otherwise provided"

Amend Sec. 1, page 2, line 6, by inserting after the word "modified" the following: "Provided, however, That all moneys required by existing law to be paid out of the aforesaid fund to political subdivisions shall be paid to such political subdivisions at the time provided for in such law and such payments shall not be postponed or affected by the transfer of funds provided for by this act."

On the question,

Will the House agree to the amendments?

Mr. ROSENFELD. Mr. Speaker, in brief I would like to refer to my previous remarks, that the transfer of funds from this source will curtail the funds that are due the city of Philadelphia in the amount of some six hundred thousand dollars. I believe the same reasons apply to all the other subdivisions of this state.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 The amounts transferred under this act from the Liquor License Fund to the General Fund shall be repaid to the Liquor License Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, line 11, by inserting after the word "forty-one" the following: "from revenue available for expenditures for the biennium ending the thirty-first day of May, one thousand nine hundred and forty-one."

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order

The House proceeded to the second reading and consideration of House Bill No. 5, entitled:

An Act transferring money from the Fire Insurance Tax Fund the General Fund and providing for the subsequent return from the General Fund of the transferred money

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The moneys in the Fire Insurance Tax Fund upon the effective date of this act are hereby transferred to the General Fund and any moneys coming into the Fire Insurance Tax Fund between the effective date of this act and May thirty-first one thousand nine hundred forty-one shall be transferred to the General Fund upon their payment into the Fire Insurance Tax Fund But the total amount to be transferred under this section shall not exceed two million three hundred thousand dollars ($2,300,000)

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

On the question,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 6, by inserting after the word "shall" the following: "except as herein otherwise provided"

Amend Sec. 1, page 2, line 7, by inserting after the word "modified" the following: "Provided, however, That all moneys required by existing law to be paid out of the aforesaid fund to political subdivisions shall be paid to such political subdivisions at the time provided for in such law and such payments shall not be postponed or affected by the transfer of funds provided for by this act."

On the question,

Will the House agree to the amendments?

Mr. ROSENFELD. Mr. Speaker, this amendment is similar to the previous one offered.

On the question recurring,

Will the House agree to the amendments?

There were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 The amounts transferred under this act from the Fire Insurance Tax fund to the General Fund shall be repaid to the Fire Insurance Tax Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, page 2, line 12, by inserting after the words "forty-one" the following: "from revenue available for expenditures for the biennium ending May thirty-first, one thousand nine hundred forty-one".

On the question,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Achterman and Mr. Andrews and were as follows:

YEAS—56

| | | | |
|---|---|---|---|
| Achterman, | DeNote, | O'Brien, | Scanlon, |
| Allmond, | Donohoe, | O'Connor, | Schrope, |
| Andrews, | Falkenstein, | O'Keefe, | Schwab, |
| Baker, | Finnerty, | Ominsky, | Shaw, |
| Balthaser, | Furman, | O'Neill, | Skale, |
| Boles, | Jirolanio, | Powers, | Stank, |
| Boney, | Kilroy, | Readinger, | Tarr, |
| Brancato, | Levy, | Reese, R. E. | Thompson, E. F., |
| Broad, | Lovett, | Regan, | Weiss, |
| Burns, | Malloy, | Rider, | Welsh, E. B., |
| Burris, | Melchiorre, | Rooney, | Welsh, M. J., |
| Check, | Mooney, | Rosenfeld, | Westrick, |
| Cohen, R. E., | Moran, | Rothenberger, | Williams, |
| Corrigan, | Muniey, | Sarraf, | |

NAYS—98

| | | | |
|---|---|---|---|
| Ackermann, | Fiss, | Moser, F. S., | Stewart, |
| Auker, | Fleming, | Moser, J. L., | Stockham, |
| Bardes, | Foor, | Muir, | Sweeney, |
| Boorse, | Freed, | O'Dare, | Taylor, |
| Boose, | Gates, | Peacock, | Thistle, |
| Bower, | Gillan, | Peale, | Thompson, G. R. |
| Bronson, | Gillette, | Reagan, | Tiemann, |
| Brown, S. W., | Goll, | Reese, D. P., | Trout, |
| Brunner, | Habbyshaw, | Reynolds, | VanAllsburg, |
| Cadwalader, | Haines, | Rhodes | Van Belle, |
| Calvin, | Hall, | Riley, | Voorhees, |
| Carpenter, | Harbeson, | Robertson, | Wagner, |
| Christler, | Henry, | Rose, | Watkins, |
| Clark, | Hoyt, | Roseberry, | Webster, |
| Clearwater, | Huntley, | Royer, | Wilkinson, |
| Cortese, | Imbrie, | Schrock, | Wilson, |
| Curran, | Irvin, | Self, | Winner, |
| Dalrymple, | James, | Serrill, | Wood, H. M., |
| Denman, | Lee, | Shearer, | Wood, L. H., |
| Dick, | Leisey, | Simons, | Wood, N., |
| Donahue, | Leydic, | Sloan, | Woodside, |
| Eckels, | Lichtenwalter, | Snyder, | Yeakel, |
| Ely, | McNally, | Sollenberger, | Turner, |
| Ewing, | Montgomery, | Stambaugh, | Speaker. |
| Fisher, | | | |

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 6, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The money in the Liquid Fuels Tax Fund upon the effective date of this act are hereby transferred to the General Fund and any moneys coming into the Liquid Fuels Tax Fund between the effective date of this act and May thirty-first one thousand nine hundred forty-one shall be transferred to the General Fund upon their payment into the Liquid Fuels Tax Fund But the total amount to be transferred under this section shall not exceed eleven million dollars ($11,000,000)

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

On the question,

Will the House agree to the section?

Mr. ROSENFELD. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 4, by inserting after the word "shall" the following: "except as herein otherwise provided"

Amend Sec. 1, page 2, line 5, by inserting after the word "modified" the following: "Provided, however, That all moneys required by existing law to be paid out of the aforesaid fund to political subdivisions shall be paid to such political subdivisions at the time provided for in such law and such payments shall not be postponed or affected by the transfer of funds provided for by this act."

On the question,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring.

Will the House agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 The amounts transferred under this act from the Liquid Fuels Tax Fund to the General Fund shall be repaid to the Liquid Fuels Tax Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 2, page 2, line 10, by inserting after the words "forty-one" the following: "from revenue available for expenditures for the biennium ending May thirty-first, one thousand nine hundred forty-one"

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring.

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 7, as follows:

An Act to amend the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-three) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-three) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" is hereby amended to read as follows

Section 1 The sum of [five hundred eighty-eight thousand dollars ($588,000)] three hundred ninety-eight thousand dollars ($398,000) or [so] as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the use of The Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred thirty-nine for the payment of annual rates rentals and other charges for the use and occupancy or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority to The Pennsylvania State College or for services rendered by the Authority or its projects Payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 8, as follows:

An Act transferring money from the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million five hundred thousand dollars ($1,500,000) is hereby transferred from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund and is hereby appropriated to meet Sinking Fund requirements on the Veterans' Compensation Bonds, during the two fiscal years ending May thirty-first one thousand nine hundred forty-one according to the following schedule

| | |
|---|---|
| September 1, 1940 | $ 412,500.00 |
| November 1, 1940 | $ 300,000.00 |
| March 1, 1941 | $ 487,500.00 |
| May 1, 1941 | $ 300,000.00 |
| Total | $ 1,500,000.00 |

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 9, as follows:

An Act to amend the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-two) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-two) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" is hereby amended to read ts follows

Section 1 The sum of [seven million ninety-nine thousand seven hundred dollars ($7,099,700)] five million seven hundred seventeen thousand seven hundred dollars ($5,717,700) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the two fiscal years beginning June first one thousand nine hundred thirty-nine for the payment by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority to the Commonwealth or for services rendered by the Authority or its projects Payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 10, entitled:

An Act to amend certain appropriation items contained in section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for

the ordinary expenses of the Extcutive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine".

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The following appropriation items which are contained in section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) designated as The General Appropriation Act of one thousand nine hundred thirty-nine and which are specifically appropriated to the several hereinafter named agencies of the Executive Department and Legislative Department of the Commonwealth in the respective amounts approved by the Governor are hereby amended to read as follows

I Executive Department

To the Governor

For the payment of salaries wages or other compensation of the Secretary to the Governor the Budget Secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Governor his Secretary the Budget Secretary and the Executive Board for the expenses incurred in the conduct of the Executive Mansion and the entertainment of official guests and for the expense incident to the participation of the Governor in the Governors' Conference the sum of [three hundred twenty-five thousand five hundred dollars ($325,500)] two hundred ninety-eight thousand dollars ($298,000)

To the Treasury Department

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the Veterans' Compensation Bonds issued under authority of the act approved the fifth day of January one thousand nine hundred and thirty-four (One thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four Pamphlet Laws two hundred nineteen) the sum of [seven million four hundred fifty thousand one hundred ninety-two dollars and fifty cents ($7,450,192.50)] five million nine hundred fifty thousand one hundred ninety-two dollars and fifty cents ($5,950,192.50) according to the following schedule

Requirements

| Date of Payment | Principal | Interest | Total |
|---|---|---|---|
| September 1 1939 ..... | $ ..... | $487,500.00 | $ 487,500.00 |
| November 1 1939 ..... | ..... | 300,000.00 | 300,000.00 |
| March 1 1940 ..... | 1,237,253.21 | 487,500.00 | 1,724,753.21 |
| May 1 1940 ..... | 912,843.04 | 300,000.00 | 1,212,843.04 |
| September 1 1940 ..... | ..... | [487,500.00] | [487,500.00] |
| | | 75,000.00 | 75,000.00 |
| November 1 1940 ..... | ..... | [300,000.00] | [300,000.00] |
| March 1 1941 ..... | 1,237,253.21 | [487,500.00] | [1,724,753.21] |
| | | | 1,237,253.21 |
| May 1 1941 ..... | 912,843.04 | [300,000.00] | [1,212,843.04] |
| | | | 912,843.04 |
| Total ..... | $4,300,192.50 | [$3,150,000.00] | [$7,450,192.50] |
| | | $1,650,000.00 | $5,950,192.50 |

To the Department of Agriculture

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including the purchase of insecticides for gypsy moth work for testing of animals to prevent spreading of dangerous contagious and infectious diseases for the payment of any loss or damage by dogs to live stock domestic game birds and poultry as provided by law and for the purpose of compensating land owners according to existing law for the loss of cedar trees destroyed by order of the Department of Agriculture to prevent damage to apple orchards by cedar apple rust the sum of [one million six hundred eighty-five thousand five hundred dollars ($1,685,500)] one million six hundred five thousand five hundred dollars ($1,605,500)

To the Department of Banking

For the payment of salaries wages or other compensation of the members and employes and for the payment of general expenses supplies printing and equipment necessary for the administration and enforcement of the Securities Act the sum of [one hundred forty thousand dollars ($140,000)] one hundred fifteen thousand dollars ($115,000)

To the Department of Commerce

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses advertising supplies printing and equipment necessary for the proper conduct of the work of the department the sum of [two hundred eighty thousand dollars ($280,000)] two hundred thirty thousand dollars ($230,000) and in addition thereto any amount appropriated to the department out of the Motor License Fund which shall be credited to the appropriation made by this paragraph and shall be available for the purposes herein enumerated

To the Department of Forests and Waters

For the payment of the salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and quipment necessary for the proper conduct of the work of the department with respect to forests parks and waters and the Pymatuning Dam the Water and Power Resources Board the Geographic Board the State Forest Commission State Parks Commission and Regional State Park Boards and Flood Prevention and maintenance of dikes along Darby Creek and the Delaware River in Tinicum Townshir Delaware County for maintenance of Emergency Conservation Work Projects for the purchase of telephone equipment and the cost of telephone rentals at towers district offices ranger stations and other necessary locations for the erection and repairs of buildings the sum o (one million one hundred sixty thousand dollars (1,160-000) one million fifty thousand dollars ($1,050,000)

For the payment of annual fixed charges as provided by law for county school township and road purposes on lands owned or classified by either the Commonwealth of Pennsylvania or the Federal Government and held or administered as forest reserves auxiliary forest reserves or for the purpose of preserving and perptuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks the sum of [two hundred eighteen thousand five hundred dollars ($218,500)] two hundred nine thousand five hundred dollars ($209,500)

To the Department of Health

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Sanitary Water Board the Advisory Health Board and other boards the sum of [two million six hundred thousand dollars ($2,600,000)] two million five hundred forty thousand dollars ($2,540,000) and in addition to said amount all contributions received by the department from private sources for the express use of the department in public health work shall be paid into the General Fund and credited to this appropriation

For the payment of salaries wages or other compensation of members and employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Board of Housing the sum of [twenty-five thousand dollars ($25,000)] fifteen thousand four hundred dollars ($15,400)

For the payment of salaries wages or other compensa-

tion of superintendents and other employes for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for incidental expenses and all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Tuberculosis Sanatoria and the State Hospital for Crippled Children including the incidental expenses necessary for the proper conduct of the orthopaedic work of the department and for the purchase of braces jackets artificial limbs and crutches the sum of [four million four hundred thousand dollars ($4,400,000)] three million five hundred four thousand dollars ($3,504,000)

To the Insurance Department

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the payment of costs in court proceedings to forfeit charters of extinct companies the sum of [five hundred forty-five thousand dollars ($545,000)] five hundred twenty-five thousand dollars ($525,000) and in addition to said amount all income and all monies collected by the Insurance Department from foreign insurance companies for examinations made by the Insurance Department and paid into the General Fund of the State Treasury are hereby appropriated out of the General Fund to the Insurance Department and shall be credited to the appropriation made by this paragraph

For the payment of liquidating and dissolution expenses of companies takin in charge by the Insurance Commissioner when the cash assets are insufficient to pay such expenses the sum of [twenty-five thousand dollars ($25,000)] vfteen thousand dollars ($15,000) and in addition there is hereby appropriated for the same purpose the full amount of all sums received from such liquidated assets by way of reimbursement for expenditures previously made from this appropriation which sums so received shall be paid into the General Fund and credited to the appropriation made by this paragraph

To the Department of Labor and Industry

For the payment of salaries wages or other compensation of the members of the Workmen's Compensation Board' Workmen's Compensation Referees Pennsylvania Labor Relations Board the members of the Industrial Board a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Workmen's Compensation Board the Workmen's Compensation Referees Pennsylvania Labor Relations Board and the Industrial Board and for compensation and expenses of wage boards the sum of [two million five hundred thousand dollars ($2,500,000)] two million four hundred twenty-five thousand dollars ($2,425,000)

For the payment of salaries wages or other compensation of employes engaged in administration of the laws relating to rehabilitation of persons injured in industry and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to rehabilitation and for the purchase of artificial appliances for and the payment of maintenance cost of physically handicapped persons in training and all other expenses necessary to carry out the provisions of the Rehabilitation Acts the sum of [three hundred thirty-seven thousand seven hundred fifty dollars ($337,750)] three hundred twelve thousand seven hundred fifty dollars ($312,750) and in addition thereto any contributions from the Federal Government or from any other source for rehabilitation shall be paid into the General Fund and credited to this appropriation

To the Department of Mines

For the payment of salaries wages or other compensation of a deputy secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the sum of [eighty thousand dollars ($80,000)] seventy two thousand dollars ($72,000)

For the payment of expenses of conducting the examination of applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses as provided by law the sum of [ten thousand dollars ($10,000)] eight thousand dollars ($8000)

To the Department of Property and Supplies

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and Capitol police the Board of Commissioners of Public Grounds and Buildings and other boards attached to the department for the care maintenance and preservation of public grounds and buildings including the Executive Mansion for the payment of the advertising schedules of supplies the sale of unserviceable property proposals for executing the State printing and binding proposals for any contract work readvertising any schedule or proposals when necessary and all other advertising necessary for the proper conduct of the work of the department the sum of [one million seven hundred eighty-five thousand dollars ($1,785,000)] one million seven hundred sixty-five thousand dollars ($1,765,000) Provided however That the department shall not use any part of this appropriation for the payment of the salaries wages or other compensation of employes necessary for the cleaning and care of offices or other quarters either in the Capitol Building or elsewhere used by the Department of Banking the Department of Highways and any other agency except the Pennsylvania Liquor Control Board to the extent to which appropriations for this purpose shall have been made to them from special funds or used by the General Assembly the Judicial Department the Department of the Auditor General the Treasury Department the Pennsylvania Game Commission the Board of Fish Commissioners [the Pennsylvania Liquor Control Board] the Milk Control Commission or the State Workmen's Insurance Board or for the cleaning and care of offices of other quarters outside the city of Harrisburg used by any other department board or commission or for the cleaning and care of the State Arsenal or any barracks used by the Pennsylvania Motor Police

For the purchase of fuel water gas steam and electric current and necessary devices for the reception and use of same and for alterations materials supplies repairs equipment renovations and improvements to for or on the State Capitol buildings the public grounds and buildings connected with the State Capitol the Publications Building the Executive Mansion the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and any buildings or monuments of historical interest located anywhere in the Commonwealth [except the Liquor Control Board Office Building in Harrisburg] for the payment of rents fuel water gas steam electric current and any necessary alterations for any buildings offices or storage space in the city of Harrisburg required for the accommodation of departments supported from the General Fund which had heretofore been provided entirely with space in the Capitol Buildings the sum of five hundred fifty thousand dollars ($550,000)

For the purchase of automotive equipment aeroplanes and accessories thereto as may be required for use by the several administrative departments boards commissions and officers of the State Government except those required for permanent use by the Department of Banking the Department of Highways and the Department of Revenue and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Pennsylvania Motor Police the Board of Fish Commissioners the Pennsylvania Game Commission the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Commission and the State Workmen's Insurance Board for the payment of the cost of minor repairs to automotive equipment permanently assigned to departments boards and commissions except the Department of Highways and stored at the garage maintained by the Department of Property and Supplies in the city of Harrisburg and for the payment of

the cost of oil gasoline tires repair parts for and repairs to automotive equipment which is not permanently assigned to any department board commission or officer of the State government the sum of [four hundred thousand dollars ($400,000)] three hundred ninety-two thousand dollars ($392,000)

To the Department of Public Instruction

For the payment of the salary of the Superintendent of Public Instruction the sum of [twenty-four thousand dollars ($24,000)] twenty-one thousand one hundred dollars ($21,100)

For the payment of salaries wages or other compensation to a deputy superintendent and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and the State Council of Education the sum of [six hundred thousand dollars ($600,000)] five hundred ninety-seven thousand five hundred dollars ($597,500)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment and for the purchase of books maps charts manuscripts records exchanges pamphlets illustrations lantern slides periodicals parliamentary papers legal books and periodicals subscriptions to newspapers necessary for the proper conduct of the work of the department with respect to the State Library and Museum the sum of [two hundred twenty-three thousand dollars ($223,000)] two hundred fifteen thousand dollars ($215,000)

For the payment of salaries wages or other compensation of the presidents or principals and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Teachers Colleges and the Cheyney Training School for Teachers as may be authorized and approved by the Superintendent of Public Instruction the sum of [three million eight hundred twenty thousand dollars ($3,820,000)] three million seven hundred twenty thousand dollars ($3,720,000) and in addition to said amount all income and all moneys collected at the various State Teachers Colleges and the Cheyney Training School and paid into the General Fund of the State Treasury under existing law are hereby appropriated out of the General Fund to the several State Teachers Colleges and Training Schools for same purpose each college and school to receive from such appropriation the exact amount which was collected at said school or college during the said fiscal years

For the payment of salaries wages or other compensation of superintendents and other employes for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment of improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the hereinafter designated institutions as may be authorized and approved by the Superintendent of Public Instruction in the amounts hereinafter specified

| | |
|---|---|
| Pennsylvania State Oral School for the Deaf at Scranton Pennsylvania | ($180,000) |
| Pennsylvania Soldiers' Orphan School at Scotland Pennsylvania | [($360,000)] ($348,000) |
| Thaddeus Stevens Industrial School at Lancaster Pennsylvania | ($ 95,000) |

For the payment of the expenses of county superintendents of public schools as required by law the sum of [fifty thousand dollars ($50,000)] forty-eight thousand five hundred dollars ($48,500)

For the payment of the expenses of assistant county superintendents of public schools and supervisors of special education as required by law the sum of [seventy thousand dollars ($70,000)] sixty-seven thousand dollars ($67,000)

For the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as required by law for the expense of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of [three hundred thirty-one thousand dollars ($331,000)] three hundred twenty-six thousand dollars ($326,000)

For special education including the payment of the Commonwealth's share in the case of children between the ages of six (6) and twenty-one (21) and the payment of all in the case of pupils under the age of six (6) or over twenty-one (21) of the cost of tuition and maintenance (as determined by the Superintendent of Public Instruction) of Pennsylvania pupils enrolled with the approval of the Department of Public Instruction in schools or institutions for the blind or for the deaf under the supervision of and approved by the department in accordance with law the sum of [one million one hundred fifty thousand dollars ($1,150,000)] one million one hundred forty thousand dollars ($1,140,000)

To the Pennsylvania Public Utility Commission

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the commission the sum of [one million eight hundred thousand dollars ($1,800,000)] one million seven hundred fifty thousand dollars ($1,750,000)

To the Department of Revenue

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses rentals equipment and other expenses incidental to the collection of inheritance and estate taxes and mercantile license taxes supplies printing and equipment necessary for the proper conduct of the work of the department for the payment of cost of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of Assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of [three million two hundred ninety-five thousand dollars ($3,295,000)] three million forty-five thousand dollars ($3,045,000) Provided however That to the extent to which appropriations have been made to the deptrtment out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes

To the Department of Welfare

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct or the work of the department including the cost of a central accounting system for State-owned institutions subject to the supervision of the department the sum of [four hundred twenty thousand dollars ($420,000)] three hundred ninety-two thousand dollars ($392,000)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Council for the Blind the sum of [fifty-one thousand dollars ($51,000)] forty-seven thousand dollars ($47,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for re-

pairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Allentown State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Torrance State Hospital at Torrance the Warren State Hospital at Warren the Philadelphia State Hospital at Philadelphia the Wernersville State Hospital at Wernersville and any other institution established for the care and treatment of the insane as may be authorized and approved by the Secretary of Welfare the sum of [fifteen million six hundred thousand dollars ($15,600,000)] fifteen million two hundred fifty thousand dollars ($15,250,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Laurelton State Village at Laurelton the Pennhurst State School at Pennhurst the Polk State School at Polk the Selinsgrove State Colony for Epileptics at Selinsgrove and any other institution established for the care and treatment of mental defectives and epileptics as authorized and approved by the Secretary of Welfare the sum of [three million nine hundred thousand dollars ($3,900,000)] three million five hundred fifty thousand dollars ($3,550,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connellsville State Hospital at Connellsville the Hazleton State Hospital at Hazleton the Locust Mountain State Hospital at Shenandoah the Nanticoke State Hospital at Nanticoke the Philipsburg State Hospital at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of [two million nine hundred fifty thousand dollars ($2,950,000)] two million nine hundred thousand dollars ($2,900,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the State-owned institutions under the supervision of the Department of Welfare as may be allocated by the Secretary of Welfare and approved by the Governor the sum of [four hundred seventy-five thousand dollars ($475,000)] three hundred thousand dollars ($300,000)

II Legislative Department

Legislative Miscellaneous

For the payment of wages and other compensation of the employes and for the payment of general expenses necessary for the proper conduct of the work of the Joint State Government Commission the sum of [thirty thousand dollars ($30,000)] sixty-five thousand dollars ($65,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission on the presentation of his requisition for the same The chairman shall file an accounting of said expenses with the Auditor General

On the question,

Will the House agree to the section?

Mr. HOLLAND. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 14, line 17, by striking out the figures: "($348,000)" and inserting in lieu thereof: "$375,000"

On the question,

Will the House agree to the amendment?

Mr. HOLLAND. Mr. Speaker, in making my appeal for favorable consideration of this amendment I am appealing to you members of this House who belong to the American Legion or Veterans of Foreign Wars. The bill as it now stands cuts the appropriation from the Pennsylvania Soldiers' Orphans School at Scotland from three hundred and sixty thousand dollars to three hundred forty-eight thousand dollars. My amendment raises that appropriation to three hundred and seventy-five thousand dollars, which is very small in comparison to the hundreds of sons of men who served in France, who cannot be admitted to this school. You and I who served with many of our buddies who are now dead should realize that by cutting this appropriation you are insulting the men who served their country. I say to you today when we read on the front pages of the newspapers that the world is again endangered by war, and who knows but what this country of ours may be brought into this great war or conflict that is now spreading, how can we come before the youth of America and ask them to defend this government when we are derelict in protecting the sons and daughters of those who did serve this government, when this government was threatened. We have the same right today to go into that home that this government had when it went into the war in 1917, and took out of that home the able bodied men and said "your government needs you." We should go into the home today and protect the sons and daughters of these men who defended our country in 1917 and 1918. I am appealing to you members of this House who have boasted of your war records, who have boasted of your war service, to vote for this amendment because it is a mere pittance to give to the sons and daughters of the soldiers who served Pennsylvania in the late World War.

Mr. WOODSIDE. Mr. Speaker, Bill No. 10 reduces the appropriation which was made to the Pennsylvania Soldiers' Orphans School at Scotland by twelve thousand dollars. Certain buildings erected by the General State Authority were not opened as quickly as it had been expected they would be. There was twelve thousand dollars provided in the budget for the operation of those additions. This appropriation has not been necessary and that is the reason for the reduction. It has not been necessary to spend that twelve thousand dollars up to this time.

Mr. HOLLAND. Mr. Speaker, I believe the majority leader of this House has just admitted to this House that the Governor in his dilatory tactics is the cause of these four hundred and twenty-two boys and girls, sons and daughters of World War Veterans, being denied the right of proper housing. I say to you that this, I believe, shows that the economy acts of the Governor are aimed at the

boys and girls of the War Veterans of the state of Pennsylvania.

Mr. WOODSIDE. Mr. Speaker, the truth of the matter is that the terrible condition in which the General State Authority was left by the Democratic Administration and the members of that Commission is the reason why those buildings were not turned over at the time they were expected to be turned over. That was under a Democratic Administration.

The yeas and nays were required by Mr. Holland and Mr. Achterman and were as follows

Messrs. Baker, Mihm and Burns asked for a verification of the roll. The roll was verified and was as follows:

YEAS—63

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | Mooney, | Rothenberger |
| Allmond, | Downey. | Moran, | Sarraf. |
| Andrews, | Falkenstein, | Munley, | Schrope, |
| Baker, | Finnerty, | O'Brien, | Schwab, |
| Balthaser, | Furman. | O'Connor, | Shaw, |
| Boies. | Harkins, | O'Keefe. | Skale, |
| Boney, | Hindman, | Ominsky, | Stank, |
| Brancato, | Holland. | O'Neill, | Tarr, |
| Broad, | Jirolanio, | Powers, | Thompson, E. F., |
| Brown H. S., | Kenehan, | Preston, | Tronzo, |
| Burns, | Kilroy, | Readinger, | Weiss, |
| Check, | Lovett, | Reese, R. E., | Welsh, E. B., |
| Cohen, R. E., | Malloy, | Regan, | Welsh, M. J., |
| Corrigan, | McLane, | Rider, | Westrick, |
| Denman, | Melchiorre, | Rooney, | Williams, |
| DeNote, | Mihm, | Rosenfeld, | |

NAYS—108

| | | | |
|---|---|---|---|
| Ackermann, | Freed, | Leydic, | Simons, |
| Auker, | Fullerton, | Lichtenwalter, | Sloan, |
| Boorse, | Gates, | Lyons, | Snyder, |
| Boose, | Gillan, | Marr, | Sollenberger, |
| Bower, | Gillette, | McClester, | Stambaugh, |
| Boyd, | Goll, | McGarrity, | Stewart, |
| Brown, S. W., | Habbyshaw, | McKinney, | Stockham, |
| Brunner, | Haines, | McNally, | Sweeney, |
| Cadwalader, | Hall, | Moser, F. S., | Taylor, |
| Calvin, | Harbeson, | Moser, J. L. | Terry, |
| Carpenter, | Haudenshield, | Muir, | Thistle, |
| Christler | Henry, | O'Dare, | Thompson, G.R., |
| Clearwater, | Hoffman, J N., | Peacock, | Tiemann, |
| Cook, | Hoyt, | Peale, | VanAllsburg, |
| Cooper, | Huntley, | Reagan, | Van Belle, |
| Cordier, | Imbrie, | Reese, D. P., | Voorhees, |
| Cortese, | Irvin, | Reynolds, | Wagner, |
| Curran, | James, | Rhodes, | Watkins, |
| Dalrymple, | Johnston, | Riley, | Webster, |
| Dick, | Jones, | Robertson, | Winner, |
| Dix, | Kane, | Rose, | Wood, H. M., |
| Donahue, | Kline, | Roseberry, | Wood, L. H., |
| Eckels, | Knoble, | Royer, | Wood, N., |
| Ely, | Kowalski, | Schrock, | Woodside, |
| Fiss, | Krise, | Seif, | Yeakel, |
| Fleming, | Lee, | Serrill, | Turner, |
| Foor, | Leisey, | Shearer, | Speaker. |

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend certain appropriation items contained in section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislature and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## MOTION TO RECOMMIT

Mr. LEVY. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of a public hearing.

On the question,

Will the House agree to the motion?

Mr. LEVY. Mr. Speaker, House Bill No. 10, I believe, is one of the most important bills we will pass in this House at this Special Session. I say that because House Bill No. 10 actually transfers from certain appropriated items of the 1939 session amounts which we as a legislative body thought were necessary, and which we are now amending. I feel that the administration should at least give an opportunity to have the various departments, the various bureaus in the state government, tell us exactly the status of the various appropriations in these bureaus and inform the memebrship of the House, if only the Committee on Appropriations, exactly how the Governor is going to use these moneys, if they are at all available, and to what extent they will curtail the various functions of these departments.

If the members of the House will take the time and go through House Bill No. 10 they will find that on page 7, lines 3 to 5, we are going to transfer from various appropriated funds for state tubercular sanitoria and the state hospital for crippled children the sum of $896,000. I believe that we as members of the Legislature have the right to know by what degree this amount is going to curtail the functions of this agency. I feel that we have the right to know how much harm is going to come to the tubercular of the state of Pennsylvania. We know only too well the requests that are made to your director of public health which he cannot fulfill at the present time, and we also know the harm that is going to befall the crippled children of the state of Pennsylvania with this transfer of this fund.

I want the members of the House to know that they are going to transfer in House Bill No. 10 seventy-five thousand dollars that belongs to the Department of Labor and Industry for the functions of the Workmen's Compensation Board. I wonder how much harm is going to come to our Compensation Board in Pennsylvania. I wonder if the members of the House know, in addition to what the gentleman from Allegheny has already pointed out, that on page 15 we are going to take from the deaf and blind children of Pennsylvania the sum of fifteen thousand dollars, scant as it might be—

The SPEAKER. Will the gentleman from Philadelphia yield? The Chair has permitted the gentleman to debate the merits of the bill rather than the motion to recommit, but I would like to refer to rule 54, part of which says: "A motion for committment shall preclude amendment or decision on the original subject", which is interpreted to mean that you cannot discuss the original subject or the merits of the bill. The Chair thinks, if the member wants to debate the bill he should have done so when the amendments on second reading were under consideration. The gentleman has made a motion to recommit.

Mr. LEVY. Mr. Speaker, the motion I made was to recommit the bill for the purpose of a public hearing. I am

attempting to show to the membership of the House the vital necessity of holding a public hearing on this bill to ascertain whether or not we can transfer funds from these various departments that are already much needed. I believe my argument is very much in order.

The SPEAKER. The Chair is of the opinion that the argument is not in order.

Mr. LEVY. Mr. Speaker, in conclusion I only want to say that we on the Democratic side certainly realize that a public hearing is necessary and I only wish to point out that from the actions last night on the other side of this legislature possibly they may hold public hearings on these bills, and I do not see any reason why we of the lower chamber cannot have the opportunity to have the various departmental heads come before the proper committees of the House and explain to them how they are going to justify those transfers. I urge you gentlemen to vote in favor of the motion.

Mr. LOVETT. Mr. Speaker and members of the House, in rising to support the motion to recommit this bill I will try not to discuss any of the merits of the bill. But I just wanted to make it clear to the members of the House that the veterans throughout the state of Pennsylvania contribute some money in collections for the buses that take the children to and from that particular school. I feel it only fair, if we have any excess money, since the buses are furnished for the other schools of the state, that this money could be used, if it is lying idle gathering dust, as they say, to transport these children of veterans to the schools. That is the reason why I think we should recommit this bill and find out just what is going on.

On the question recurring.

Will the House agree to the motion?

It was not agreed to.

## BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 11, as follows:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled May sixth one thousand nine hundred forty in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth one thousand nine hundred forty

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary are hereby specifically appropriated for the payment of the expenses of the Legislature assembled in extraordinary session the sixth day of May one thousand nine hundred forty in pursuance of the proclamation of the Governor dated the twenty-ninth day of April one thousand nine hundred forty

To the Senate

For the payment of the salaries of senators and extra compensation allowed by law to the President Pro Tempore of the Senate the sum of twenty-five thousand dollars ($25,000)

For the payment of the mileage of senators the sum of three thousand six hundred dollars ($3,600)

For the payment of postage allowed by law to senators the sum of two thousand four hundred fifty dollars ($2,450)

For the payment of the salaries of the officers and employes of the Senate during and for completion of the work of the session the sum of twenty-three thousand six hundred fifty-seven dollars ($23,657)

For the payment of the mileage of the officers and employes of the Senate the sum of two thousand four hundred dollars ($2,400)

To the Chief Clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars the sum of one thousand dollars ($1,000)

For the payment of the incidental expenses of the Senate including extra clerical and stenographic labor for the office of the Chief Clerk the sum of two thousand dollars ($2,000)

For the payment of the postage labor and incidental expenses in the office of the Secretary of the Senate the sum of five hundred dollars ($500)

To the Secretary of the Senate for the payment of extra services in connection with the compilation of the history of legislation in the Senate the sum of two hundred fifty dollars ($250)

To the House of Representatives

For the payment of the salaries of members of the House of Representatives and extra compensation allowed by law to the Speaker of the House the sum of one hundred two thousand five hundred dollars ($102,500)

For the payment of the mileage of members of the House the sum of sixteen thousand eight hundred forty-eight dollars ($16,848)

For the payment of postage allowed by law to members the sum of ten thousand two hundred dollars ($10,200)

For the payment of salaries of the officers and employes of the House of Representatives during and for completion of the work of the session the sum of thirty thousand dollars ($30,000)

For the payment of the mileage of the officers and employes of the House of Representatives the sum of three thousand three hundred dollars ($3,300)

To the Chief Clerk of the House of Representatives for the payment of postage on the Legislative Journal bills and calendars the sum of two thousand five hundred dollars ($2,500)

For the payment of the incidental expenses of the House of Representatives including extra clerical and stenographic labor in the office of the Chief Clerk the sum of five thousand dollars ($5,000)

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the Speaker of the House of Representatives the sum of five hundred dollars ($500)

For the payment of the expenses of the Committee on Appropriations of the House of Representatives in examining and analyzing requests of the various departments boards and commissions of the Commonwealth for appropriations and for clerical assistance and other necessary expenses in connection with the work of said committee the sum of one thousand dollars ($1,000) to be paid on warrant of the Auditor General in favor of the chairman of said committee on the presentation of his requisition

Legislative Journal

The expenses for paper and printing of the Legislative Journals shall be paid out of the appropriation to the Department of Property and Supplies for this purpose

For the payment of the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives for making indices for the Journals of each house the sum of two hundred dollars ($200)

For the work of the legislative officials after the close of the session of the Legislative Journal also the proofreading of the appendix and index thereto as provided by law the sum of two thousand dollars ($2,000)

For the payment of the person or persons appointed to index the Legislative Journal the sum of two hundred dollars ($200) in accordance with the act establishing said journal

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 12, as follows:

An Act making an appropriation to aid certain school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million dollars ($1,000,000) is hereby specifically appropriated to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts in such sums and in such manner as the Superintendent of Public Instruction shall determine and for defraying the necessary cost for the administration thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 13, as follows:

An Act to amend clause (u) of section four of the act approved the fifth day of December one thousand nine hundred thirty-six (P. L. 1937 page 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by redefining for certain purposes of the act the term "wages"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (u) of section four of the act approved the fifth day of December one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven page two thousand eight hundred ninety-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" is hereby amended to read as follows

(u) "Wages" means all remuneration for employment including the cash value of all remuneration paid in any medium other than cash Provided however That the term "wages" as used in sections three hundred one and three hundred two of this act shall not include that part of the remuneration which after remuneration equal to three thousand dollars ($3,000) has been paid or becomes payable to an individual by an employer with respect to employment during any calendar year is paid or becomes payable to such individual by such employer with respect to employment during the calendar year one thousand nine hundred forty and during each calendar year thereafter

Section 2 This act shall become effective immediately upon its final enactment and shall be retroactive to the first day of January one thousand nine hundred forty

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 15, as follows:

An Act to amend section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and dening membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the filling of vacancies occurring in either house of the General Assembly whether or not it be in session at the time of the happening of such vacancies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 628 Special Elections for Senator and Representative in the General Assembly Whenever a vacancy shall occur [or exist] in either house of the General Assembly [during the session thereof or whenever such vacancy shall occur or exist at a time when the members of the General Assembly shall be required to meet at any time previous to the next general election] whether or not it then be in session the presiding officer of such house shall issue within ten days after the happening of said vacancy [or after the calling of an extraordinary session of the Legislature during the existence of said vacancy] a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth for a special election to fill said vacancy which election shall be held on a date named in the writ which shall be not less than thirty (30) days after the issuance of said writ [In all other cases no such special election to fill said vacancy shall be held] The presiding officer may fix in such writ of election the date of the next ensuing primary [or] municipal or general election as the date for holding any such special election Provided however That should the Governor after the issuance of the said writ of election advise the presiding officer that the General Assembly will be called into extraordinary session prior to the date set for such special election the presiding officer may countermand the writ theretofore issued and issue a new writ of election fixing therein such earlier date therefor as is deemed expedient

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 14, entitled:

An Act to amend paragraph (a) paragraph (b) as amended and paragraph (c) of section two thousand four hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws

one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board

The first section was read as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph (a) of section two thousand four hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 2402 Grounds Buildings and Monuments In General The Department of Property and Supplies shall have the power and its duty shall be

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and the Executive Mansion and to make or supervise the making of all repairs alterations and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 3, line 7 by inserting after the word "determined" and before the word "is" the following: "which section was last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five)"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Paragraph (b) of section two thousand four hundred two of the said act as amended by the act approved the first day of June one thousand nine hundred thirty-one (Pamphlet Laws three hundred fifty) is hereby further amended to read as follows

(b) To employ such captains sergeants of police and police officers as may be necessary to preserve good order in the Capitol grounds and buildings including the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and fix their compensation Provided however That the number and compensation of such captains sergeants and officers shall be subject to the approval of the Governor Such captains sergeants and officers shall be known as the Capitol Police

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 2, page 3, by striking out lines 25 to 29, inclusive.

Amend Section 2, page 4, by striking out lines 1 to 9, inclusive.

On the question,

Will the House agree to the amendments?

Mr. ACHTERMAN. Mr. Speaker I desire to interrogate the gentleman from Dauphin, Mr. Habbyshaw.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. HABBYSHAW. I yield to the gentleman from Dauphin, Mr. Woodside, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, will the gentleman from Dauphin tell us briefly what this amendment will do to the present bill as introduced?

Mr. WOODSIDE. Mr. Speaker, the purpose of this amendment is to prevent the people who are under Civil Service in the Liquor Control Board from being removed from it when the transfer is made, and the supervision is turned over from the Liquor Control Board to the Department of Property and Supplies. There seems to be many reasons that I could relate, but I do not care to take the time of the House to do it now, as to why the supervision of this building should be transferred from the Liquor Control Board to the Department of Property and Supplies. There was no thought of using it as a means of ripping out of office any people who were under a Civil Service status. Some people have obtained the idea that this was a ripper bill. Ripper bills are obnoxious to the Republican administration, although there were a number of opportunities to rip during the 1939 session, following the example of the previous administration in the 1937 session, but the Republican administration did not feel it

was the thing to do. When it was discovered that the bill would have the effect of transferring these employes and taking them out of Civil Service, the administration and the Republican members felt that the bill should be amended so that that change could not be made. This is the amendment that has been drawn up by the Attorney General's department to carry out that thought.

Mr. ACHTERMAN. Mr. Speaker, I understand then that the gentleman from Dauphin is not intending to disturb any of the employes of the Liquor Control Board.

Mr. WOODSIDE. That is correct, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, may I assume that the good feeling of the gentleman from Dauphin for non-disturbance of the employes of the Liquor Control Board will extend to other departments? If the last question is embarrassing to the majority floor leader, I will release the gentleman.

On the question recurring.

Will the House agree to the amendments?

It was agreed to.

The third section was read as follows:

Section 3 Paragraph (c) of section two thousand four hundred two of the said act is hereby amended to read as follows

(c) To employ such help as may be reasonably necessary for the cleaning care and preservation of the Capitol grounds and buildings including the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and the furnishings therein for operating the mechanical plants in [the Capitol] such buildings and the Executive Mansion and for service at the Executive Mansion

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 3, page 4, by striking out all of lines 10 to 19 inclusive.

On the question,

Will the House agree to the amendment?

Mr. DENMAN. Mr. Speaker, the purpose of the amendment offered by me was to protect the employes of the Liquor Control Board who are under civil service and to preserve the merit system from being ripped out. In vie of the fact that Mr. Habbyshaw has introduced an amendment which accomplishes that purpose I am very glad to withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

It was agreed to.

The fourth section was read as follows:

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed to the extent of such inconsistency.

On the question,

Will the House agree to the section?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Section 4, page 4, by striking out all of lines 20 to 22 inclusive and inserting in lieu thereof the following new section:

"Section 2 Section two thousand four hundred two of the said act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five) is hereby further amended by adding thereto paragraph (1) to read as follows:

(1) To supervise the work of employes of the Pennsylvania Liquor Control Board who are employed by the board for the cleaning, care, preservation and protection of the Northwest Office Building and the furnishings, records and other matters therein, and for the operation of the mechanical plants in such building.

On the question,

Will the House agree to the amendment?

It was agreed to.

The title was read as follows:

An Act to amend paragraph (a) paragraph (b) as amended and paragraph (c) of section two thousand four hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board.

On the question,

Will the House agree to the title?

Mr. HABBYSHAW. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend page 1, line 1 of the title, by striking out at the end of the line, with boldface brackets, the following: "[paragraph (b) as amended and]".

Amend page 1, line 2 of the title, by striking out at the beginning of the line, with boldface brackets, the following: "[paragraph (c)]".

Amend page 1, line 2 of the title, by inserting after the word "of" and before the word "section" the following: "and to add a new paragraph (1) to".

Amend page 2, line 8 of the title, by inserting after the word "determined" and before the word "by" the following: "as amended."

Amend page 2, line 12 of the title, by adding at the end of the line the following: "and providing that such civil service employes of the board as are necessary for the cleaning, care, preservation and protection of such building and the furnishings, records and other matters therein, and the operation of its mechanical plants, shall perform their duties under the supervision of the Department of Property and Supplies."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 22, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near the City of Philadelphia and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

The first section was read and agreed to as follows:

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Turnpike Philadelphia Extension Act"

The second section was read as follows:

Section 2 In order to facilitate vehicular traffic between the Eastern and Western sections of the Commonwealth the Pennsylvania Turnpike Commission heretofore created by virtue of the provisions of the act approved the twenty-first day of May 1937 Pamphlet Laws 774 is hereby authorized and empowered to construct operate and maintain a turnpike at such location as shall be approved by the Department of Highways from a point at or near Middlesex in Cumberland County to a point at or near the City of Philadelphia together with connecting roads tunnels and bridges and to issue turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such construction.

On the question,

Will the House agree to the section?

Mr. SWEENEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 2, page 2, line 13, by striking out the words: "or near".

On the question,

Will the House agree to the amendment?

Mr. SWEENEY. Mr. Speaker, I do not propose to take up a great deal of time to discuss this amendment because I do not think it has any political significance, and I think possibly that most of the members on both sides of the House will see their way clear to go along with the amendment. The amendment itself is very simple. All it does, in line thirteen, section two, is to strike out the words "or near," so that the bill will then read "from at or near Middlesex in Cumberland County to a point at the City of Philadelphia."

You will notice in section two the Department of Highways is given the authority to determine where the terminus of this turnpike will be. I personally think, and I think most of the members of the House will agree with me when I say that we are delegating too much authority to the Department of Highways. We should have some definite idea of where this Turnpike will terminate. My amendment will not require the Turnpike to go into Philadelphia if the Commission does not so desire. I just say, "at the city of Philadelphia," which will allow them to go anywhere along the city limits, which may be either in Bucks, Montgomery, or Delaware County. I think we should have some idea of just what "near" means. That may mean ten miles, twenty miles, fifty miles or one hundred miles. So I say by confining it to "at the city of Philadelphia," we will have some idea just where this highway is going to terminate.

I therefore ask all the members of the House to go along on this amendment.

Mr. JAMES. Mr. Speaker and members of the House, I rise to oppose the adoption of the amendment which has just been offered. If this amendment were adopted the Turnpike Commission and those who are responsible for the construction of this great undertaking would have no alternative other than to fix the eastern terminus of this highway at or within the geographic limits of the city of Philadelphia. The bill is drawn very wisely. It leaves latitude for fixing the exact location of that terminus, and on an undertaking of this magnitude there will have to be conclusions on very many considerations before that terminus can be fixed. There will have to be conclusions reached on the proposition of economy of construction, on the cost of condemnation of property and even on the very utilitarian purpose of the highway itself. There have been many thoughts brought forward as to where the eastern terminus should be. The bill has very properly provided the general location, and by the use of the words "at or near the city of Philadelphia," has fixed within reason its location. It might be and probably is conceivable if the bill were amended by the amendment which has just been offered, that the highway would end very abruptly in the middle of Philadelphia where it could not possibly serve to the best advantage many of the purposes for which this super highway has been conceived. It might be felt that by touching the edge of Philadelphia and then running off into a field somewhere that there was compliance with the law as amended, if this amendment were accepted, and thereby great expense, great inconvenience and a very unhandy terminus might develop.

It seems to me this bill has been well framed and that the provision "at or near the city of Philadelphia" very sufficiently locates the eastern terminus. As to what may be "near Philadelphia," that could be debated at great length. I will admit that it is only reasonable to believe that when engineers and municipal authorities, bond holders, representatives and others who will be responsible in all particulars for the financing and the construction

and usefulness of this highway, get together, their interpretation of what is "near Philadelphia" will be a better interpretation than we could make here by any amendment or any suggestion to them.

Therefore I ask the members of the House to vote down this amendment and pass the bill as originally drawn.

Mr. OMINSKY. Mr. Speaker, I understand that House Bill No. 22 was and will be a non-partisan measure. Before I give my reasons why I would be for the amendment offered by the gentleman from Philadelphia, Mr. Sweeney, I would like to interrogate the gentleman from Delaware, Mr. James.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. JAMES. I shall, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, may I inquire of the gentleman from Delaware, Mr. James, what he would interpret the word "near" to mean with reference to the number of miles from Philadelphia.

Mr. JAMES. Mr. Speaker, I would base my interpretation of that principally upon what is decided to be the principal utilitarian purpose of the highway. I understand from conversations officially and semi-officially that consideration will be given to this highway as a possible military highway. Under those circumstances I feel that twenty miles from Philadelphia would be "near" Philadelphia. If it were a question of simply a traffic route I would say that ten percent of its total length could be considered within reason as being near the point which is designated, namely "near Philadelphia."

Mr. OMINSKY. Mr. Speaker, even though I do not think the amendment as submitted by the gentleman from Philadelphia, Mr. Sweeney, goes far enough in deleting "near" and in placing a definite limitation around Philadelphia, I will be for the amendment and I will ask my colleagues on this side of the House to also vote for the amendment.

I want to say this in defense of this amendment and also perhaps in defense of the amendment which I have submitted to the desk, because even though this amendment as submitted by the gentleman from Philadelphia, Mr. Sweeney, is adopted, my amendment will also be in order. I feel that the turnpike is a very important adjunct to Philadelphia, if it is to be known as the turnpike for Philadelphia. I recall back on February 29th of this year a very apt and apropos argument was given in one of the editorials in one of the newspapers of Philadelphia, which will also be in line with what I have in mind regarding the amendment which I have submitted. With the indulgence of the House, and since this is a very important amendment at this time, I will just briefly read some quotations from that editorial, as follows:

"Philadelphia is the natural junction point for the east-west super-highway now building across Pennsylvania and the proposed north-south road linking Richmond and Boston.

"Here are the logical cross-roads and any program of super-highway construction should be based on that fact.

"The object of the express road is to relieve congestion on existing routes, speed up traffic movement between large centres and reduce accidental hazards by eliminating crossings at grade. But to attain major usefulness, it must tap city traffic, not pass it by.

"A super-highway that would make a wide detour to avoid Philadelphia not only would be taking traffic and business away from this city; it would be losing traffic and business originating in this metropolitan district.

"This does not necessarily mean, of course, that super-highway traffic must be dumped uncermoniously in the heart of a big city, whether this or any other, and left to its own struggling devices. But it does mean that in a selection of routes for the two express roads Philadelphia must be given consideration. It must not be by-passed.

"Although the proposal is still in a highly nebulous form, plans likewise are under consideration for a north-south super-road stretching from Richmond to New England points. The original route would skirt Philadelphia about seventeen miles west of the city.

"It doesn't take much figuring to see why Philadelphia should object to that detour. Not only would it take this city off the through-highway map, but it would mean that the road from Pittsburgh and the West would hook up with the north-south highway miles distant from this city, with traffic automatically diverted from here.

"The engineering plans could be worked out with little enough difficulty. The important thing from this city's standpoint is to see that the plans do not leave Philadelphia out in the cold.

"It is to Philadelphia's interest that both express roads come to its door, not give it the go-by seventeen or more miles out in the country.

"When plans are under consideration for these roads Philadelphia should make certain that it is not sidetracked."

Therefore, I ask the members of the House not only to vote for the amendment which has been submitted by the gentleman from Philadelphia, Mr. Sweeney, which to my mind does not go far enough, but also to vote for the amendment which I have submitted and which will be shortly read and which will definitely place the superhighway at the door of Philadelphia. In order to avoid any specific egress or ingress so far as Philadelphia is concerned, my amendment has taken care of the situation in this fashion, that we ask that this road be limited so that it shall go no farther than five miles around the circumference of the county line of Philadelphia.

Therefore, I ask in the interest of Philadelphia, in the interest of possible war department measures, which may of necessity be made later on, to connect the super highway with the navy yard of Philadelphia, in the interest of the port of Philadelphia we must make certain at this time before we finally pass this bill that Philadelphia is not given the go-by and that it receives all its benefits.

Therefore, I ask each and every member of the House not only to vote for the amendment which has been read and which has been submitted by the gentleman from Philadelphia, Mr. Sweeney, but also to vote for the amendment which I have submitted.

Mr. JAMES. Mr. Speaker and members of the House, the remarks of the last gentleman, particularly those that he read, were very enlightening, very well thought out and would be under ordinary conditions, I think, very convincing. However, there was one brief reference to the most important consideration of all considerations in his reading, which was dismissed with a few words. Those few words were, "the engineering problem could easily be worked out."

In working out the terminus of a super highway such as we hope this one will be, the engineering problems involved are simply multitudinous; they must encompass not only those things which were brought out in the editorial just read and those things which all of us may think of as we debate this question, but they must also

contemplate factors of cost of facilities and of full and complete utility. Those matters cannot be dismissed with just the words "the engineering problem can easily be worked out." I believe that it is very likely that when the engineering people get down to a final analysis of their problem that this highway will of course come very close to ending at Philadelphia, but I believe that sufficient latitude could be left to the people who know far more about what is practical and what is possible in the construction of this highway, as well as locating the terminus. I believe the bill as drawn providing that it shall end "at or near Philadelphia" sufficiently identifies Philadelphia in that super highway. I think it is only a proper latitude to be given to those who are charged with the duty of making the highway in all particulars a success. I ask all members of the House to vote down this amendment.

Mr. KANE. Mr. Speaker and members of the House, I rise in support of the amendment and I do so because I have had occasion to see in my own county the very peculiar attitude with which the Highway Department engineers can disregard the wishes of the people who live in the community in favor of maps and engineering formula. You are sent here to represent the people of your district. This is the law and what you do here will be recorded, whether you vote for the people who sent you or whether you vote to give the discretion over to the engineers and map men, whose considerations may not be the same as those of the people who sent you to the Legislature. I want to call your attention to the fact that the wording of the bill as it stands at the present time may not constitute an extension of this road to Philadelphia but only the first link in a super-highway to New York City. I am very much interested in the military significance of this road because I think in a comparatively short time those of us who are young enough are likely to be involved in another war. I think it would be well in having this road built that you comply with the wishes of people who live in the city and that you see that the act is so worded. The definition of the amendment that the road shall terminate "at the city of Philadelphia" allows the entire circumference of the city for the engineers to use as a basis for working out a terminal point. It seems to me that the Legislature, if it intends to build a superhighway from Pittsburgh to Philadelphia should do so, and I urge the members of the House to pass this very simple amendment, which it not antagonistic in any way to anybody.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. Ominsky and Mr. Sweeney and were as follows:

YEAS—85

| | | | |
|---|---|---|---|
| Achterman, | Dalrymple, | Lichtenwalter, | Regan, |
| Allmond, | DeNote, | Long, | Reynolds, |
| Baker, | Donohoe, | Lovett, | Rhodes, |
| Balthaser, | Finnerty, | Malloy, | Rider, |
| Bardes, | Fiss, | McGarrity, | Rooney, |
| Boles, | Fleming, | McNally, | Roseberry, |
| Boney, | Freed, | Melchiorre, | Rothenberger, |
| Boyd, | Haines, | Mihm, | Sarraf, |
| Brancato, | Harkins, | Mooney, | Schrope, |
| Broad, | Hindman, | Moran, | Schwab, |
| Bronson, | Hoffman, S. K., | Muir, | Sweeney, |
| Brown, H. S., | Holland, | Munley, | Taylor, |
| Burns, | Irvin, | O'Brien, | Thistle, |
| Burris, | Jirolanio, | O'Connor, | Thompson, E. F., |
| Carpenter, | Kane, | O'Dare, | Tiemann, |
| Check | Kenehan, | Ominsky, | Tronzo, |
| Clearwater, | Kilroy, | O'Neill, | Voorhees, |
| Cohen, R. E., | Knoble, | Powers, | Webster, |
| Cook, | Lee, | Preston, | Weiss, |
| Cordier, | Levy, | Readinger, | Welsh, E. B., |
| Corrigan, | Leydic, | Reese, D. P., | Welsh, M. J., |
| Cortese, | | | |

NAYS—71

| | | | |
|---|---|---|---|
| Ackermann, | Ewing, | Leisey, | Snyder, |
| Andrews, | Fisher, | Lyons, | Sollenberger, |
| Auker, | Furman, | Madden, | Stambaugh, |
| Boorse, | Gillan, | McClester, | Stewart, |
| Boose, | Gillette, | McKinney, | Stockham, |
| Bower, | Habbyshaw, | McVay, | Trout, |
| Brown, S. W., | Hall, | Montgomery, | VanAllsburg, |
| Brunner, | Harbeson, | Moser, F. S., | Wagner, |
| Cadwalader, | Haudenshield, | Moser, J. L., | Watkins, |
| Clark, | Henry, | Peacock, | Wilson, |
| Cooper, | Hewitt, | Peale, | Winner, |
| Curran, | Hocke, | Riley, | Wood, H. M., |
| Denman, | Hoyt, | Robertson, | Wood, L. H., |
| Dick, | Huntley, | Rose, | Wood, N., |
| Dix, | Imbrie, | Schrock, | Woodside, |
| Donahue, | James, | Shearer, | Yeakel, |
| Eckels, | Johnston, | Simons, | Turner, |
| Ely, | Jones, | Sloan, | Speaker. |

So the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. OMINSKY. Mr. Speaker, in view of the fact that the amendment offered by the gentleman from Philadelphia, Mr. Sweeney, has been approved, I will withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman. The amendment is withdrawn.

On the question recurring,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 The turnpike revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth but such bonds shall be payable exclusively from the fund herein provided therefor from tolls All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or intenest of such bonds The issuance of turnpike revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

The fourth section was read as follows:

Section 4 Definitions The following words and terms shall have the following meanings

(a) The word "commission" shall mean the Pennsylvania Turnpike Commission heretofore created by the act approved the twenty-first day of May 1937 Pamphlet Laws 774 or if said commission shall be abolished any board commission or officer succeeding to the principal functions thereof or upon whom the powers and functions given by them shall be given by law.

(b) The word "owner" shall include all individuals copartnerships associations or corporations having any title or interest in any property rights easements or franchises authorized to be acquired by this act.

(c) The words "the turnpike" shall mean the turnpike to be constructed as hereinafter provided from a point at or near Middlesex in Cumberland County to a point at or near the City of Philadelphia and shall be deemed to include not only the turnpike and all connecting roads tunnels and bridges connected therewith but also all property rights easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof.

(d) The term "cost of the Turnpike" shall embrace the cost of constructing the turnpike and all connecting roads tunnels and bridges the cost of all lands property rights rights of way easements and franchises acquired which are deemed necessary or convenient for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for one year after completion of construction cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative and legal expense and such other expenses as may be necessary or incident to the financing herein authorized the construction of the turnpike and connecting roads tunnels and bridges the placing of the same in operation and the condemnation of property necessary for such construction and operation Any obligation or expense contracted for by the commission with the Department of Highways of the Commonwealth of Pennsylvania or with the United States or any agency thereof for traffic surveys preparation of plans and specifications supervision of construction and other engineering administrative and legal services and expenses in connection with the construction of the turnpike or any of the connecting roads tunnels and bridges shall be regarded as a part of the cost of the turnpike and shall be reimbursed or paid out of the proceeds of the turnpike revenue bonds hereinafter authorized.

On the question,

Will the House agree to the section?

Mr. SWEENEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 4, page 4, line 1 and 2, by striking out the words: "or near".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. AUKER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 4, page 4, lines 14 and 15, by striking out the words: "and for one year after completion of construction."

On the question,

Will the House agree to the amendment?

Mr. AUKER. Mr. Speaker and members of the House, I am just going to speak very briefly on this amendment and as briefly as I can on the other amendments and I will ask the indulgence of the members of the House in speaking on these amendments, as we are all hungry, but that is not my fault.

I just want to point out that by this amendment I am trying to make a good bill out of what I consider a very poorly drawn bill. By deleting "and for one year after completion of construction," I am making it possible for suits to be brought and the costs to be paid for years after the construction. It may be possible that all the costs, especially the damage costs, where properties are taken cannot be paid within a year after the construction. This does not affect my county. I am merely offering it for the people of the counties through which this turnpike may pass if the bill is finally passed.

Mr. WOODSIDE. Mr. Speaker, the only thing I want to say about the amendments which have been offered relating to this bill is this: the bill has been carefully considered and drawn by the counsel for the Turnpike Commission and also by the Department of Justice. The call provides only for the extension of the highway from a point at or near Middlesex in Cumberland County to the Delaware River at or near Philadelphia, and provides for the issuance of turnpike revenue bonds payable solely from tolls to pay the cost of such construction. There are many things which enter into the legality of these bonds, and all of the things which enter into this, including those which relate to the cost, have been carefully considered both by the Department of Justice and by the counsel for the Turnpike Commission. It therefore seems to me that it is very dangerous to tamper with the bill in any respect, and for that reason I think the amendments should all be voted down.

Mr. AUKER. Mr. Speaker and members of the House, if this bill goes through, your constituents in the counties where this turnpike may pass, may not be able to collect any damages unless suit is brought within a year. It may be possible that such suits for damages cannot be brought within a year, and the purpose of my amendment is to cure that defect. As I said before, it doesn't mean a thing to me, I do not live in those counties. I consider it very poor legislation to enact a law that will hinder the people from collecting damages except when the suit is brought within a certain period of time after the construction has been completed.

On the question recurring

Will the House agree to the amendment?

It was not agreed to.

On the question recurring.

Will the House agree to the section?

It was agreed to.

The fifth section was read and agreed to as follows:

Section 5 The exercise by the commission of the powers conferred by this act in the construction operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth.

The sixth section was read as follows:

Section 6 The commission shall have the following powers and duties.

(a) It shall maintain a principal office at such place as shall be designated by the commission.

(b) The commission may contract and be contracted with in its own name.

(c) The commission may sue and be sued in its own name plead and be impleaded provided however that any and all actions at law or in equity against the commission shall be brought only in the proper courts at the county of Dauphin.

(d) The commission shall have an official seal

(e) The commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire own use hire lease operate and dispose of personal property real property and interests in real property and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act and to employ engineering traffic architectural and construction experts and inspectors and attorneys and such other employes as may in its judgment be necessary and fix their compensation Provided however That all contracts and agreements relating to the construction of the turnpike and connecting roads tunnels and bridges shall be approved by the Department of Highways and the turnpike and connecting roads tunnels and bridges shall be

constructed under the supervision of the Department of Highways.

(f) The turnpike when completed and opened to traffic shall be maintained and repaired by and under the control of the commission through the Department of Highways of the Commonwealth and all charges and costs for such maintenance and repairs actually expended by said Department of Highways shall be paid to it by the commission upon certification thereof out of tolls Such turnpike shall also be policed and operated by such force of police tolltakers and other operating employes as the commission may in its discretion employ.

(g) The commission shall have authority at its own cost to provide grade separations with respect to all public roads and State highways intersected by the turnpike and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation Provided however that the damages incurred in changing and adjusting the lines and grades of such public roads and State highways shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike The plan of such changes of the lines and grades of public roads shall be subject to the approval of the supervisors of the proper township and in the case of State highways subject to the approval of the Department of Highways.

(h) If the commission shall find it necessary to change the site of any portion of any State highway or public road it shall cause the same to be reconstructed and restored forthwith at the commission's own proper expense on the most favorable location and in as satisfactory a manner as the original road Provided that the damages incurred in changing the location of any such road or State highway shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike. The plan of such reconstruction and restoration shall be subject to the approval of the supervisors of the proper township and in the case of a State highway subject to the approval of the Department of Highways.

(i) The commission shall have authority to petition the Court of Quarter Sessions of the county where is situate any public road or part thereof affected by the location therein of the turnpike for the vacation relocation or supply of the same or any part thereof with the same force and effect as is now given by existing laws to the inhabitants of any township of such county and the proceedings upon such petition whether it be for the appointment of viewers or otherwise shall be the same as provided by existing law for similar proceedings upon such petitions.

(j) The commission shall otherwise have all of the powers and perform all of the duties prescribed by the act approved the twenty-first day of May 1937 Pamphlet Laws 774.

(k) All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this act

On the question,

Will the House agree to the section?

Mr. AUKER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 6, page 5, lines 21 and 22, by striking out the words: "only in the proper courts at the County of Dauphin" and inserting in lieu thereof: "in the proper court in any county in which service can be had upon any member of the commission or any superintendent, supervisor or agent of the commission."

Amend Sec. 6, page 6, line 13, by inserting after the word "maintained" the following: "operated."

Amend Sec. 6, page 6, line 16, by inserting after the word "maintenance" the following: "operation."

On the question,

Will the House agree to the amendments?

Mr. AUKER. Mr. Speaker, these amendments were offered to clear up what I consider another very bad fault in the bill. It does not affect my constituency back home. I just want to make a few brief remarks to the effect that I consider it very unjust and unfair to make our home county people, when they have suits to be brought against such commission as is being set up under this bill, go to Harrisburg to bring such suit, where they are in a foreign court and do not have the benefit of their home courts and their home people. They must pay witness fees and their own expenses from their homes to Dauphin County. I do not see any reason why suits cannot be brought in the county in which the action actually arises, which is the real intent of the law.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

Mr. HOLLAND. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 6, page 6, line 5, by inserting after the word "necessary" the following: "giving preference to those who, at the time of being employed, are bona fide residents of this Commonwealth."

Amend Sec. 6, page 6, line 8, by inserting after the word "bridges" the following: "shall provide that preference in employment thereunder shall be given to those persons who, at the time of being employed, are bona fide residents of this Commonwealth, and."

On the question,

Will the House agree to the amendments?

Mr. HOLLAND. Mr. Speaker, I think the amendment is self explanatory. The only thing I would like to stress is that in a check of the employes of the Turnpike Commission we find that a great number of the men who work on the Turnpike are from out of the state. They are not doing special work such as truck drivers, carpenters, or brick layers. They are brought into the state. I believe that we should at least give preference to the people of this state when it comes to a question of employment.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The seventh to the thirteenth sections inclusive were separately read and agreed to as follows:

Section 7 (a) Each member of the commission shall be reimbursed for the necessary expenses incurred in the performance of the duties performed under the provisions of this act.

(b) All expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act.

(c) Before the issuance of any turnpike revenue bonds under the provisions of this act each appointed member of the commission shall execute a bond in the penalty of

$25,000 and the secretary and treasurer shall execute a bond in the penalty of $50,000 each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office under the provisions of this act which bonds shall be filed in the office of the Secretary of the Commonwealth.

Section 8 The commission with the approval of the Department of Highways is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient any lands property rights rights of way franchises easements and other interests in lands as it may deem necessary or convenient for the construction and operation of the turnpike upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission and the owner thereof and to take title thereto in the name of the commission.

Section 9 Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown the commission is hereby authorized and empowered to acquire by condemnation in the matter hereinafter provided any lands property rights rights of ways franchises easements and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike or necessary in the restoration of public or private property damaged or destroyed In such event application shall be made by the commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which the property is located or in the case of property on the boundary line between two or more counties then in any such counties for the appointment of viewers Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof None of the freeholders shall be a resident of the county wherein such application shall be made The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General to the commission and to the owner or owners if resident within said county If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county If neither owner nor any of such officers reside within the county or cannot be found therein or is unknown notice of such first meeting shall be given as the court may direct

The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to ascertain as accurately as may be the value of such land property rights rights of way easements or franchises and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers may deem necessary If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers or a quorum thereof make such order therein as may be necessary Whenever the viewers shall have ascertained the value of the lands property rights rights of way easements or franchises they shall prepare a full report of their labors Upon the completion of the report the viewers shall fix a time when they shall meet and exhibit same Ten days written notice of the time and place of such meeting together with a copy of said report shall be given to the commission to the Attorney General and to the owner or owners of the property condemned At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto After making any changes in such report as they may deem necessary the same shall be filed in the court within thirty days after the filing of the report in the court the commission acting through the Department of Justice or any person interested may file exceptions thereto Whereupon the court shall either confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers Within thirty days after the final action on the report by the court the commission acting through the Department of Justice or any person interested may demand a trial by jury From the action of the court on exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually incurred in the performance of his duties Title to any property condemned by the commission shall be taken in the name of the commission Prior to physical entry upon the land the commission shall be under no obligation to accept and pay for any property condemned or any costts incidental to any condemnation proceedings provided however that in any condemnation proceedings the court having jurisdiction of the suit action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to enter upon accept and pay for the property but neither such undertaking or security nor any act or obligation of the Commission shall impose any liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act

In addition to the foregoing powers the commission and its authorized agents and employes may enter upon any lands waters and premises in the State for the purpose of making surveys soundings drillings and examinations as it may deem necessary or convenient for the purpose of this act and such entry shall not be deemed a trespass nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the commission upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships other political subdivisions and municipalities or public agencies and commissions of the Commonwealth of Pennsylvania may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission including public roads and other real property already devoted to public use

Section 10 Whenever the commission decides to acquire any lands rights rights of way easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond or other security to secure the owner or owners for damages and the same has been accepted or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which condemnation proceeding is instituted the commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the commission If the owner lessee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof the commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures

Section 11 The commission is hereby authorized to provide by resolution at one time or from time to time for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike which resolution shall recite an estimate of such cost The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment The bonds shall be dated shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually shall mature

at such time or times not exceeding forty years from their date or dates as may be determined by the commission and may be made redeemable before maturity at the option of the commission at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds Provided however that the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption The bonds may be issued in series with varying provisions as to rates of interest maturity and other provisions not inconsistent with this act but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor The principal and interest of such bonds may be made payable in any lawful medium The commission shall determine the form of bonds including any interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth The bonds shall be signed by the Governor and by the chairman of the commission and the official seal of the commission shall be affixed thereto and attested by the secretary and treasurer of the commission and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery All turnpike revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth The bonds may be issued in coupon or in registered form or both as the commission may determine and provisions may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and registered and coupon bonds shall be interchangeable The commission may sell such bonds in such manner and for such price as it may determine to be for the best interest of the Commonwealth but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standand tables of bond values The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed upon requisition of the chairman of the commission under such restrictions if any as the resolution authorizing the issuance of the bonds of the trust indenture hereinafter mentioned may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the turnpike additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued If the proceeds of the bonds shall exceed the cost of the turnpike the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking buiness all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law

Section 12 All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds

Section 13 In the discretion of the commission such bonds may be secured by a trust indenture by and between the commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth Such trust indenture may pledge or assign tolls and revenue to be received but shall not convey or mortgage the turnpike or any part thereof Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction maintenance operation and repair and insurance of the turnpike and the custody safeguarding and application of all moneys It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the commission Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations In addition to the foregoing such trust indenture may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike

The fourteenth section was read as follows:

Section 14 The accomplishment by the commission of the authorized purposes stated in this act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity in which accomplishment the commission will be performing essential governmental functions the commission shall not be required to pay any taxes or assessment on any property acquired or used by it for the purposes provided in this act and the bonds or other securities and obligations issued by the commission their transfer and the income therefrom including any profits made on the sale thereof shall at all times be free from taxation within the Commonwealth

On the question,

Will the House agree to the section?

Mr. AUKER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend Sec. 14, page 19, lines 17 to 21, by striking out the following: "and the bonds or other securities and obligations is-" in line 17, and all of lines 18 to 21, both inclusive.

On the question,

Will the House agree to the amendment?

Mr. AUKER. Mr. Speaker, in asking the House for its approval of this amendment, I am simply asking it to approve the idea that we are not coming down here to create further funds that are tax exempt. We already have too many of those in the state and nation. Setting up further funds where they can invest their money without being required to pay any taxes for the maintenance of the government or governmental functions is wrong. That is all this amendment does. It simply means that these bonds that will be issued by the Turnpike Commission, if the bill is successful in passage, will be subject to the eight mill tax the same as any mortgage or judgment or stock or any other security that a person may hold. We are fast driving capital out of the private investment field. It is not much wonder we cannot recover in the state and nation because the tax is getting so high on private investments that people are throwing their money into tax exempt securities. If we take these tax exempt securities away they will have to invest in private securities. That is my main argument on that.

The yeas and nays were required by Mr. Auker and Mr. Kane and were as follows:

YEAS—19

| | | | |
|---|---|---|---|
| Auker, | Freed, | Montgomery, | Schrope. |
| Christler, | Jones, | Moran. | Sollenberger, |
| Cohen, R. E., | Kane, | O'Connor, | Webster |
| Corrigan, | Long, | Rooney. | Williams, |
| Fisher, | Lovett, | Rosenfeld, | |

NAYS—89

| | | | |
|---|---|---|---|
| Achterman, | Fiss, | McVay, | Serrill. |
| Ackermann, | Fleming, | Melchiorre, | Shearer, |
| Andrews, | Furman, | Mihm, | Simons, |
| Baker, | Gillan, | Moser, F. S., | Snyder, |
| Boles, | Gillette. | Moser, J. L., | Stambaugh, |
| Boorse, | Habbyshaw | Muir, | Stewart, |
| Boose, | Haines, | O'Brien, | Stockham, |
| Bower, | Hall, | O'Dare, | Taylor, |
| Boyd, | Harbeson, | Ominsky, | Thistle, |
| Bronson, | Henry, | Peale, | Thompson, G. R. |
| Brunner, | Hocke, | Powers, | Tiemann, |
| Cadwalader, | Hoffman, J. N., | Readinger, | Trout, |
| Carpenter, | Huntley, | Reese, D. P., | Van Allsburg |
| Clearwater, | Imbrie, | Rider, | Voorhees, |
| Cordier, | Irvin, | Riley, | Wilson, |
| Cortese, | James, | Robertson, | Wood, H. M., |
| Curran, | Kline, | Rose, | Wood, L. H., |
| DeNote, | Lee, | Rosebery, | Wood, N., |
| Dix, | Leisey, | Rothenberger, | Woodside, |
| Donahue, | Lyons, | Royer, | Yeakel, |
| Eckels, | McClester, | Schrock, | Turner, |
| Fly, | McKinney, | Self, | Speaker. |
| Ewing, | McNally, | | |

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fifteenth section was read as follows:

Section 15 The commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof and to charge and collect the same and to contract with any person partnership association or corporation desiring the use of any part thereof including the right of way adjoining the paved portion for placing thereon telephone telegraph electric light or power lines gas stations garages stores hotels restaurants and advertising signs or for any other purpose except for tracks for railroad or railway use and to fix the terms conditions rents and rates of charges for such use Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike if any to pay (a) the cost of maintaining repairing and operating the turnpike and (b) the bonds and the interest thereon and all sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture as the same shall become due Such tolls shall not be subject to supervision or regulation by any other State commission board bureau or agency The tolls and all other revenues derived from the turnpike except such part thereof as may be required to pay the cost of maintaining repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due (2) the principal of the bonds as the same shall fall due (3) the necessary fiscal agency charges for paying principal and interest and (4) any premium upon bonds retired by call or purchase as herein provided The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds or in the trust indenture but except as may otherwise be provided in such resolution or trust indenture such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued

On the question,

Will the House agree to the section?

Mr. AUKER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Sec. 15, page 20, line 10, by inserting after the word "requirements" the following: "and (c) to assure the equality of freight rates for all common carriers"

Amend Sec. 15, page 20, lines 14, by inserting after the word "agency" the following: "except the Public Utility Commission, which Public Utility Commission is hereby authorized to advise the commission on the matter of tolls sufficient to assure the equality of rates of common carriers"

On the question,

Will the House agree to the amendments?

Mr. AUKER. Mr. Speaker, confining my remarks as briefly as possible, this to my mind is a very, very important amendment. The bill as it stands now simply means that we are passing a law that is in furtherance of the subsidization of one method of transportation at the expense of another, and I refer chiefly to the railroads of this state, the largest corporation we have in the state and the largest employer of labor that we have in the state. We know that the railroads are very heavily taxed and they have hard times to meet that tax and maintain their freight rates and pay their wages. Now, we are saying to them, because nobody can deny that making these toll roads is going to make it cheaper for trucks to haul freight and for buses to carry passengers than the railroads, under the restrictions under which they are placed by the state and by the national government and by the Interstate Commerce Commission, under which they can operate and haul passengers,—but we are saying to them, "Oh no, you are going to pay the same tax that you have always had to pay. We are not going to lessen

the tax on you but we are going to make it harder for you to raise that tax." If it just came off the companies alone it might be one thing, but it is going to come off the employes, the men who build cars, the men who repair cars, the trainmen, the engineers and conductors who operate the trains, and the maintenance men of the company. All of these men are going to be affected because when a corporation has so much tax to raise by law and they only have certain revenues to meet it, and then their revenues are curtailed, because we subsidize another method of transportation, then there are only two things remaining for them to do. Either they have to lay off employes, or, second, they put in labor saving machinery, which is what is going on all over the nation and state today. By laying off employes or by putting in labor saving machinery, we put that many more men on the relief rolls. Let us above all things be consistent. We are down here appropriating money for relief. Let us not pass a law that without this amendment is going to put more people on relief. That simply is not consistent. Already at the present time trucks of five ton capacity or over in Pennsylvania alone are being subsidized by other methods of transportation and by the passenger car vehicle to the tune of ten million dollars a year which they are giving to the trucks. Here is what you are saying to them, "Go ahead, haul your freight, we will provide repairs for you, we will help to pay for your maintenance, we will help you haul freight cheaper." That is what we are doing, that is all we are doing, unless this amendment is passed. When the toll road becomes free and there are no more tolls to pay that simply makes it that much worse. That goes without any further saying. It has been estimated that one of these freight carriers travelling between Detroit and New York rolling over this super-highway, will be able to save approximately twenty to twenty-five dollars a trip. There is only one place they are going to save that and that is in Pennsylvania because that is where the highway conditions are being drastically changed to the benefit of the truckers. We are simply giving these trucks the opportunity of rolling over this road without paying any taxes. How many out of town freight companies buy gasoline in Pennsylvania, and they will buy less when the turnpike road goes through.

To sum it up, gentlemen of the House, I just wanted to point out to you that I am taking the part of the employes of the railroad companies and of the companies too. I am not only taking the part of the employes for the railroad companies, more particularly of the Pennsylvania Railroad Company, because that is in my home town, but I am taking the part of the employes of those factories and industries from which constituency many of you are elected, who manufacture equipment necessary to maintain these railroads. They are all feeders into the railroad and all of them are going to be affected because anything that makes it cheaper for one method of transportation to underbid the railroad companies is affecting not only the railroad companies but all manufacturers who manufacture equipment for the railroads as well. I am just asking the House to be fair with this amendment, to make it equitable, to make it just, so that all methods of transportation are equal. That is all.

The yeas and nays were required by Mr. Auker and Mr. Dix and were as follows:

YEAS—8

| | | | |
|---|---|---|---|
| Auker, | Denman, | Lovett, | Reese, D. P., |
| Boney, | Long, | Moran, | Taylor, |

NAYS—103

| | | | |
|---|---|---|---|
| Achterman, | Eckels, | Krise, | Shearer, |
| Ackermann, | Ely, | Lee, | Sloan, |
| Allmond, | Ewing, | Leisey, | Snyder, |
| Andrews, | Fisher, | Lichtenwalter, | Sollenberger, |
| Baker, | Fiss, | Marr, | Stambaugh, |
| Bardes, | Fleming, | McClester, | Stewart, |
| Boles, | Furman, | McKinney, | Stockham, |
| Boorse, | Gates, | Melchiorre, | Sweeney, |
| Boose, | Gillan, | Montgomery, | Thistle, |
| Bower, | Gillette, | Moser, F. S., | Thompson, G. R., |
| Boyd, | Habbyshaw, | Moser, J. L., | Trout, |
| Brancato, | Haines, | Muir, | VanAllsburg, |
| Bronson, | Hall, | O'Brien, | Voorhees, |
| Brown, S. W., | Harbeson, | O'Connor, | Wagner, |
| Brunner, | Haudenshield, | Ominsky, | Watkins, |
| Cadwalader, | Henry, | Peacock, | Webster, |
| Calvin, | Hoffman, J. N., | Peale, | Westrick, |
| Carpenter, | Hoyt, | Reagan, | Wilkinson, |
| Clearwater, | Huntley, | Reynolds, | Winner, |
| Cook, | Imbrie, | Rhodes, | Wood, H. M., |
| Cooper, | Irvin, | Robertson, | Wood, L. H., |
| Cortese, | James, | Rose, | Wood, N., |
| Curran, | Jirolanio, | Roseberry, | Woodside, |
| DeNote, | Jones, | Schrock, | Yeakel, |
| Dick, | Kilroy, | Schrope, | Turner, |
| Donahue, | Kline, | Self, | Speaker. |

So the question was determined in the negative and the amendments were not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

Mr. AUKER. Mr. Speaker, due to the fact that the amendments so far offered by me have been voted down, I will graciously withdraw the other amendments and hope the members enjoy their evening meal.

The sixteenth to the twenty-first sections inclusive were separately read and agreed to as follows:

Section 16 The commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding The issuance of such turnpike revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the commission in respect to the same shall be governed by the foregoing provisions of this act in so far as the same may be applicable and by the following provisions

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within three months including any redemption premium thereon

(b) No turnpike revenue refunding bonds shall be issued unless issued to refund turnpike revenue bonds which have matured or will mature within three months or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate borne by the turnpike revenue bonds to be refunded

Section 17 Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto and the trustee under the trust indenture if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the com-

mission or any officer thereof including the fixing charging and collecting of tolls for the use of the turnpike

Section 18 When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose the turnpike and the connecting roads tunnels and bridges shall become a part of the system of State highways and shall be maintained by the Department of Highways free of tolls and thereupon the commission shall be dissolved and all funds of the commission not required for the payment of the bonds and all machinery equipment and other property belonging to the commission shall be vested in the Department of Highways

Section 19 The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers not existing Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to affect the purposes thereof

Section 20 The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 21 All acts and parts of acts inconsistent with this act are hereby repealed

The title was read as follows:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near the City of Philadelphia and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnatior granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

On the question,

Will the House agree to the title?

Mr. SWEENEY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 5 of title, by striking out the words: "or near"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 16, as follows:

An Act to further amend clause (a) of section nine of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section nine of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government or assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (Pamphlet Laws one thousand ninety-one) is hereby further amended to read as follows

(a) Dependent Children A dependent child is defined as any needy child under the age of sixteen or under the age of eighteen if found to be regularly attending school who (1) has been deprived of parental support or care by reason of the death continued absence from the home or physical or mental incapacity of a parent and who is living with his father mother grandfather grandmother brother sister stepfather stepmother stepbrother stepsister uncle or aunt in a place of residence maintained by one or more of such relatives as his or their own home and (2) has resided in this Commonwealth for one year immediately preceding the date of application for assistance or has been born in this Commonwealth within one year immediately preceding the date of such application of a mother who has resided in this Commonwealth for one year immediately preceding the birth of the child

And said bill having been read at length the second time and agreed to,

Ordered. To be transcribed for a third reading.

## BILLS INTRODUCED AND REFERRED

By Messrs. TROUT, FISS, GILLETTE and ROYER.

HOUSE BILL No. 28.

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty.

Referred to the Committee on Constitutional Amendments.

By Mr. BRONSON. HOUSE BILL No. 29

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments

## RESOLUTION

### SYMPATHY EXTENDED

Mr. DENMAN offered a resolution which was twice read, considered and adopted:

In the House of Representatives, May 8, 1940.

Mrs. Maude Byers Trescher one of Jeanette's foremost citizens and a former Member of this House died on Monday, May 6th, in the Westmoreland Hospital after an illness of approximately four weeks.

Mrs. Trescher was elected a Member of the House of Representatives in 1924, and served one term during which time she won the respect and admiration of her fellow members and performed her duties quietly and modestly but with real benefit to her constitutents.

She was the first woman to be called to jury service after women obtained the right of sufferage. She was a pioneer in the sufferage movement and was the first woman to be elected to the Jeanette School Board where she served twelve years, eight of which she spent as president of the board. She was one of the organizers of the Jeanette Union Aid Association, an active charitable organization and was president of this body at the time of her death. She also was one of the organizers of the Jeannette Woman's Club and was a past president, and was the director of publicity of the Westmoreland County Federation.

Mrs Trescher also served four years as a member of the Board of Directors of the Torrance State Hospital; was a member of the Board of Directors of the Children's Aid Society and was the first woman in Westmoreland County to actively engage in newspaper work.

Mrs Trescher was the widow of the late John H. Trescher, proprietor of the Jeanette Dispatch and a former Sheriff of Westmoreland County.

She leaves to survive her five children, Fred B. Trescher, of Woodlawn, a former district attorney of Westmoreland County, Attorney Robert Trescher of Philadelphia, Dr. John Trescher, connected with Johns Hopkins Hospital in Baltimore, Mrs. Harris Arnold of Lancaster, and William Trescher a civil engineer of Jeanette; therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania that in the passing of Mrs. Trescher, the County of Westmoreland has lost a citizen who devoted much of her life to the interest of her community, and the children who survive have been deprived of the love and care of a mother whose record of achievement can at this time be the source of great comfort and solace, and that this House extends to those children its deepest sympathy; and be it further

Resolved, That the Chief Clerk of the House shall immediately transmit to the children of its former Member, a copy of this resolution.

## CAUCUSES

Republican Caucus in the House Caucus Room Thursday, May 9 at 10 a. m. Standard Time.

Democratic Caucus in the Senate Caucus Room, Thursday, May 9 at 9:30 a. m., Standard Time.

## COMMITTEE MEETING

Constitutional Amendments, Thursday, May 9, at 9:30 a. m., in Room 324.

## ADJOURNMENT

Mr FISHER. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12 noon.

The motion was agreed to, and (at 7:31 p. m.) the House adjourned until Thursday, May 9, 1940, at 12 noon.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

**Extraordinary Session of 1940.**

Vol. 24. HARRISBURG, PA., THURSDAY, MAY 9, 1940. No. 4.

## HOUSE OF REPRESENTATIVES

THURSDAY, May 9, 1940.

The House met at 12 noon.

The SPEAKER (Ellwood J. Turner) in the Chair.

### PRAYER

The Chaplain, Rev. Thomas George Baxter, offered the following prayer:

Almighty God, the Father of us all, we pause this morning to thank and to praise Thee for the most universally sweet and endearing name, Mother. We bless Thee for that Heaven born sentiment that has so touched the heart of American manhood and womanhood that the second Sunday of May of each year is set apart and dedicated to her undying memory. Forbid that one of us shall neglect to honor her by our failure to wear the white flower, the symbol of purity, or the red flower, symbolizing her sacrifice as she went down into the jaws of death, and tarried there, that a child might be born. It was Mother who kept the earliest vigil over us in our infant helplessness and soothed us in all our sorrows. In her, O God, Thy nature has had its best human reflection. At her knee we found our first altar. Help each one of us to go back and be children again, just for a day, as we cherish and revere her memory. For most of us she awaits us over yonder. How can heaven be the blissful abode it was intended to be until she can read the names of her earth-born in the Book of Life. May her name be doubly blessed in the rededication of her sons and daughters to the best things in life. We ask in the name of our Mother's Saviour. Amen.

### JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. DONAHUE, unanimously agreed to, the further reading was dispensed with and the Journal approved.

### RESOLUTION INTRODUCED AND REFERRED

By Mr. LOVETT (Concurrent) RESOLUTION No. 3

In the House of Representaitves, May 8, 1940.

Whereas, The Department of Public Assistance is charged with the administration of the Public Assistance Laws of this Commonwealth; and

Whereas, The Department of Public Assistance, under the authority of the Public Assistance Laws has adopted certain administrative rules and regulations; and

Whereas, Certain rules and regulations as adopted by the Department of Public Assistance are inconsistent with the provisions of the laws it is charged with administering; and

Whereas, Certain of the rules and regulations are inconsistent with the Federal Laws under which the Federal Government has been making contributions to this State; and

Whereas, The harshness of certain of these administrative rules and regulations are so unjust that in their application many shocking injustices have been done the citizens of this Commonwealth; therefore be it

Resolved, (if the Senate concur), That the Department of Public Assistance shall submit to the House of Representatives and to the Senate of the present special session of the General Assembly a complete list of all rules and regulations as adopted by the Department of Public Assistance which are now in effect in the administration and distribution of relief in this Commonwealth.

Referred to the Committee on Rules.

### ADDRESS BY MR. LOVETT

Mr. LOVETT asked and obtained unanimous consent to address the House.

Mr. Speaker, I feel like the gentleman, Mr. Smith, who went to Washington. I presume you gentleman remember that picture pretty well. There are a lot of things I have to say but I will possibly forget about half of them before I sit down. Nevertheless, at this particular session of the Legislature many things have happened. As we go around among the people of Harrisburg and the people of our district we find quite a number of people who are talking about our country, following after the pattern of those foreign counties, in other words, entering into a dictatorship.

I might say that the majority members of this House and the people who support the majority members of this House have continually said that our worthy President wants to be a dictator. Now, my friends, in this particular session of the Legislature we have a call by the Governor, which some of my very able attorney friends say is a very well worded call, in other words, the wording of this call stops every member of this Legislature from doing anything except that which the Governor of the Commonwealth wishes. Now, when we talk about dictatorship, that to my mind is dictatorship. The Governor of this state who has always been a great liberal, we were told, who said he was going to bring us back to a liberal government of the people, by the people and for the people, has issued this call. I might say that this body here, to my mind, is a body of the people and for the people. This particular Governor of ours, it looks to me, wants to be the dictator, he is the fellow who has been doing all the hollering about Roosevelt and his dictatorship tactics. So you see, my friends, the peope of the state of Pennsylvania are not going to be fooled by the very clever manipulation of the wording of the Governor's call; they are going very readily to see that as far as the representatives of the people are concerned in this state, we do not have any voice at all. In other words, the Governor lays down the

law and we follow it. That is a very sad situation we find ourselves in at this particular time. That is the reason why I say to you that we should stop and think, not as Democrats or Republicans, but as members of the Legislature, who are supposed to represent the people of the state. If our hands are tied, we cannot represent those people.

The same thing applies to our Departments. I have continually insisted since I came to Harrisburg that we should do something about regulating the regulators. We have the Department of Public Assistance. Like many other Departments in the state of Pennsylvania we pass laws to govern that Department, and the Department makes rules and regulations to do as it sees fit. I say to you men that you have sat here in your seats during this session of the Legislature, and down in your hearts you know as I know that the Department of Public Assistance has made rules and regulations that are inconsistent with the law. There isn't any question in your minds, either Republicans or Democrats, as to that. I have talked to the men on both sides of this House and they will admit that certain rules and regulations are interfering with the law which we have passed. The people back home are not being fooled. You people are worrying about the country going into a dictatorship. Every time I pick up a newspaper the American Legion is finding fault with this organization or that organization because they feel that they are taking our form of government away from us.

Now, my friends, there isn't any use of our kidding ourselves. It is not the rank and file of the people back home who are causing our country to slip over to a dictatorship or other forms of regulation. No, no, it is not the poor, uneducated people, as you might call them, who cause this. It is the men who manipulate and draw up calls of the Governor, stating that the members of the Legislature can only do so and so and such and such.

My friends, if we go back a few years when your father and my father came to this country we did not have such brain trusts as exist today. Our people today, our young men and young women, are becoming educated; they are not being fooled by these tricky words that the Governor puts into the call and says, "You shall do this and this alone." If you do not believe me, just go around and talk to some of the younger groups in your community, find out the questions that they ask you about the actions of the state Legislature, and if you are honest with those boys who come to you and ask you those questions, you will tell them the truth as to what exists in the state Legislature. My friends, if you do tell them the truth, you cannot help but expect but what those people will say to you, "There is something wrong with our form of government."

As I said before, gentlemen, it is not the rank and file of the people back home who are causing this. No, it is the clever manipulators who are slowly but surely taking away from the people the right of representation of and by the people. So, you see, my friends, when I speak of the Department of Public Assistance and the rules and regulations which they set up in this state, to deliver relief to the people of our districts, and you men are not in any different position than I am as a member of the Legislature, you receive the same complaints when you go back home that I receive. When the Department of Public Assistance refuses to give relief or refuses to give old age assistance to some poor old man who is living with his son-in-law, that son-in-law cannot understand why the members of the Legislature cannot do something about it; that son-in-law has a right to think that we as members of the Legislature should do something about it. In other words, if I say to that gentlemen that the law which we passed says that the son-in-law is not legally responsible to care for the father-in-law, he says, "Then why do I have to care for him. If the law definitely says I should not have to do so." Do you gentlemen realize that that exists in this state? It has existed in this state and is going to continue to exist in this state unless you gentlemen will get up out of your seats and do like I am doing this morning, like Mr. Smith who went down to Washington. At times I look around in the gallery to see if I can find somebody up there who might prompt me so that I might stay on the question on which I want to speak.

Members, this is not any funny matter. I say to you it is a serious question and I think the members of this Legislature should do something about it. Don't get scared. I am not going to sit on the side. I have something to say and I am saying it. I feel that I have a duty to perform and I am going to ask you men to be patient while I try to perform that duty. I realize as you men do that we do not want to destroy our form of government. That is the last thought within our minds. We know that we have the best form of government in the world and if we sit in our seats in Harrisburg and allow only the leaders to get up on this floor and express their opinions, it is gradually going to slip away from us. So I ask all of you gentlemen during the remainder of this short session, in which our dictative governor has seen fit to say to the members of this Legislature that we should do this and this alone, I am going to ask you men to get up and express your opinions as I got up and expressed mine. Now, it isn't a pleasure for me to get up here. In fact, it would be much easier for me to sit in my seat and let the old ball game go on as it continues to go. I realize after being in this House for a number of years just what it means to an individual who comes in here and has to get up on the floor of this House and state his views to the members of this House, especially those who come out of the rank and file and do not have too much education and do not know too much about what is going on in his first term here. Nevertheless, I feel that our form of government demands that we go out and get the rank and file and bring them in. That is our form of government; that is exactly our form of government. We believe in representation of the people. In other words, we do not believe that only the educated in this country should have representation in Harrisburg. Oh, no, that is not the idea of this constitution, that is not the idea of this form of government. The idea of this form of government is that every man shall be represented in Harrisburg and in the halls of Congress at Washington. That is the thing which we are boasting to the world about, that we have this form of government and it is the right form of government. Nevertheless, we sit in our seats at Harrisburg and we do not get up and raise our voices in defense of our form of government which we have, and I think you, gentlemen will agree that that is true. I find no fault with any profession or any class receiving their share of representation in this House or in the Senate of Pennsylvania, but I do feel that under our form of government we should have men who come right out of the rank and file of this state, so that we can bring to you men who do not

realize it just what is going on. I might say that is true because we find as we go about our legislative duties we meet men who have lived during this depression, or anything else you may want to call it, these men have lived through this depression without ever losing one day of work, without ever knowing what it is to be deprived of almost everything that money can buy. When we go around and talk to these men we find that they are very unsympathetic, which of course very natural. They do not realize, they cannot realize that certain men are out of work and cannot get any work; they do not realize it, gentlemen, they cannot realize it, in fact there are certain men who will tell you to tell them to go and sell apples. That is the reason I say the rank and file must come into this hall and tell you gentlemen who do not know, who cannot realize that that exists among your people. As I said before it is not the rank and file that causes this trouble back home, it is the manipulator at the top that causes this trouble.

My friends, I hope today this little message I bring you will get every man out of his seat, to get up and protest against the very thing that is happening during this legislative session. This thing that is happening during this legislative session is that your form of government is being denied to the representatives of the people. We come down to Harrisburg, we go into meetings, we have caucuses, and you are scarcely there until some fellow comes in and says, "We must have this room for a meeting in fifteen minutes; you fellows will have to get out of here."

Gentlemen, the conditions that exist in this country today are such that we cannot get out of here in fifteen minutes. I hope you gentlemen who are continually hollering, continually saying that our form of government is being destroyed will sit down and agree with me that in order to stop decay in this form of government, we as members of this Legislature must get out of our seats at this session of the Legislature, because, gentlemen, it might be too late when the next session of the Legislature comes along. Things are happening very, very fast these days.

Getting back to the idea that we as members of the Legislature pass legislation and the Department heads or the regulators, as we may call them, dare to do just as they please, under the laws which we pass. I recall a little story that they told when I worked in the shop back some twenty years ago. We had a system at that time, we worked day work in the shop, there wasn't any particular hurry, every fellow did his job and he did it well and he wasn't rushed to death in doing it. Then along came some brain truster who discovered that he could gradually develop a speed-up system in this country. He would go around and he would harp on a particular job being done rushed. He would rush it and say, "We must have this work today," so after a while every piece of work that came into the shop had just a little word, "rush," scribbled across it. So we finally decided to make a little saying which went something like this:

"Since man to man has proved unjust,
We cannot tell what man to trust"

I say to you gentlemen that since Departments as Departments have proven unjust, we do not feel that the Legislature any longer can trust them.

Do you realize what I am trying to get at, gentlemen, it is that you must do something at this Legislative session in order to stop the Departments from making rules and regulations that are inconsistent with the laws we pass. I realized as I talked to some member of the Public Utility Commission about the rules and regulations, he said to me, "There is positively no question about the rules and regulations we pass." He said, "if the rules and regulations that we pass are inconsistent with the law, immediately we are taken into court and that rule and regulation is set aside." My friends, you as representatives of the people must find some means whereby you and I can say to the Departments, "You must not make any rule or regulation that is unfair to the people or which is inconsistent with the law," because the people we represent who have to deal with the Department of Public Assistance cannot go into court. It costs money to go into court. There is where our trouble lies, gentlemen. Now, if everything were equal, if the poor fellow on relief could go into the courts on any rule or regulation, then I would possibly be a little bit lenient with the Departments in their rules and regulations, but that is not true. The rules and regulations laid down by the Departments, and especially the Department of Public Assistance are unfair to the people of the state of Pennsylvania, unfair to the members of the Legislature who pass the legislation. You know and I know that when we go back home, the rules and regulations that are made by the Departments are laid at our doorsteps almost every day. What can you say to the people back home? All you can say is, "They are the rules and regulations, gentlemen, of the Department."

I realize that we have only a few days; I realize that the proclamation of the Governor is very cleverly worded by the manipulators; I realize that when we adjourn today we will go back to our homes and we will not return to Harrisburg until next Thursday; I realize that the Senate will go into session on Monday, and I realize that while they are in session we are at home. Why? Gentlemen, this question can positively not be settled in a few short days. Why is it that we cannot have the members of the Legislature in session so that they may go over and hear what is to be said at the public hearings that are going to take place in the Senate,—we hope, and in fact, the newspapers say there will be public hearings given these bills over there. Now, we as members of the House, are even closer to the people than the members of the Senate, because we go into our local districts, while the Senate covers the larger districts, and if there is anyone who should go in and listen to the public hearing, if there is anyone who should be in session and who should have caucuses, and who should talk about what is going on over on the other side in the Senate, the members of this House, my friends, should be here.

As I said before, gentleman, these very fellows who are doing all the hollering about our country going into a dictatorship, especially about our worthy President today, let us just stop and think for a moment about them. You know when Congress meets and you know how long it sits in Washington. I want to say to you that during the last eight years, Congress has been in session more than at any other time in the history of the country. To me that isn't dictatorship, to me that is democracy, when the representatives of the people are in session trying to do something about the situation. Dictatorship to me is when the men who are elected by the people to come to Harrisburg or to go to Washington to represent them are not in

session but are back home. That is when you do not have a representative form of government, that is when the dictator is slowly sneaking in. My friends, I want to say to you that you should take into consideration that as long as the Congressmen are in Washington, as long as the United States Senators are there, we have no fear of losing representation; but, my friends, when they are not there and when the sessions are short, when the manipulators come in and so manipulate that the men and women who are elected by the people are sent home to rest on their oars, then, my friends, is when you are in danger of losing the form of government which we are enjoying. I cannot stress too much today upon the members of this House the necessity of getting the same feeling into your hearts that I have in mine this morning when I get up here and try to plead with you to do something about that which is gradually taking away from us our form of government. I cannot stress too much upon this particular session of the Legislature what my good attorney friends tell me about the wording of this call of our Governor that it is so cleverly and so well worded—whether the Governor himself worked out that call, I do not know, but I do know that the legal minds of this House and the Senate sat down and studied the call of the Governor of the state of Pennsylvania and they say to you and to me that the wording of this call is very, very clever. In fact, we had it proven to us yesterday when the majority floor leader stood up here and said that this bill or that amendment was not within the call of the Governor.

The SPEAKER. Will the gentleman yield?

Mr. LOVETT. I will, Mr. Speaker.

The SPEAKER. The Chair wishes to remind the gentleman that he advised the Chair that he would only talk for a brief space of time. The Chair is of the opinion that he is talking on a very important question, but he would like to remind the member, as was stated by a clergyman that "No souls are saved after the first fifteen minutes."

The Chair does not desire to curtail the speech of the gentleman on the subject inasfar as he desires to explain his views. It is an important question, but the Chair desires to remind the member that we have business before the House and the other members also have their duties to perform. The gentleman will proceed.

Mr. LOVETT. I want to thank the Chair for the opportunity he has given me this morning. I might say to him that the fifteen minutes that he speaks of about saving the souls of the people might be very true, but ladies and gentlemen, I am not trying to save the souls of these people, I am trying to save their bodies. I want to thank the Chair again and I will promise him that I will do this in just as short a time as possible.

I realize that when we get on our feet we sometimes forget just how long we have been talking. Nevertheless, gentlemen, I sat in this House for a number of years and I have listened to many a man get up and talk on the floor of this House, and I usually listen. I have the first time to make any noise or any disturbance when any member is on the floor of this House, and I want to say that I thank the members this morning for the way they have listened to me since I have gotten on to the floor of this House. It shows that at least the members of this House are interested enough to listen to what is being said.

As I said before, I am not doing this because I want to get up here and shout before the House of Representatives, but I feel that it is my duty as a Representative of the people to get up here, and I say gentlemen, that you members of this House during this session should not be afraid to get up. It is only the first few minutes that you get a little nervous. After you are up a while and get going, you are pretty well on your feet. I realize just exactly what you have to go through.

I am going to try to close in a very short period and that is possibly the best thing you heard, gentlemen. I am sorry if it isn't going to do any good, but I am doing my part, and when you go back to your local district and your constitutents get together and say, "Why can't we get relief? Why can't we get Mothers' Assistance? Why can't we get Old Age Pension? What is the matter with you fellows down in Harrisburg?" You will have to say to them, "I am sorry, gentlemen, but while I was in Harrisburg I wasn't on my feet, I didn't get up and say a word about it; I just left the Department of Public Assistance make any rule or regulation which they saw fit." That is just exactly what we are doing, gentlemen. We are not only doing it in that Department but we are doing it in others, and you fellows are not doing a thing about it, and yet you holler about dictatorship down in Washington, you holler about rubber stamps. Now, gentlemen, don't say that I didn't give you the opportunity. I have pleaded with you to get up and have your say. You have just as much right to do it as I have. I am not any more responsible to the people of my district than you are to the people of your districts. I say, gentlemen, it is a disgrace that during this session of the Legislature the members of this House cannot put certain amendments into these bills, and cannot enact certain legislation. It is a disgrace to the state of Pennsylvania to think that we are called to Harrisburg and cannot raise our hands in defense of legislation or enact legislation to correct the evils in the state of Pennsylvania. That is what I am trying to put across to you, gentlemen, this morning. You can readily see what is being done. You know that they sent the Senators home the second day they were in Harrisburg, and you know they are going to send us home until the Senators are through with what they are going to do. To my mind that is not legislation, that is not democracy. We positively do not have democracy at heart. That is our trouble, and there isn't any use of our trying to blame it on the fellow back home, if he becomes a radical or a red, it is our fault, gentlemen. We the men who are elected by these people to represent them, it is our fault if they do not get representation. It has gotten to a point out in my county where a member of the Legislature, when he runs for office, usually makes his speech after the committee people make theirs and they don't think he means a thing, and that is true. They don't think anything of you. They just think you are down here to fill up these seats and put in the time and that is the end of it.

Gentlemen, I want to say, our great Governor of the state of Pennsylvania, hollers from the housetops about bringing our government back to the people, giving our local municipalities the right of representation, taking care of our local supervisors and all our local forms of government back home. You fellows are the fellows who always holler about that. I have always been for home rule, I have always been for local government, and if we do not stop now and try to protect our local government, we are going to get a dictator. In fact, right here today, gentleman, we have a dictator, our Honorable Governor, who has set down such a rule and regulation in his call

whereby you cannot represent the people back home. That is what I have been trying to explain; that is what I am trying to fight about today. If we are going to continue to have this local form of government, if we are going to continue to have a democracy, then we must protect it. As I said before, we do not have democracy in our hearts, we are too willing to sit idly by and let the other fellow do it, and that is exactly what is happening. There isn't any question about it, gentlemen. I could go on, possibly, as long as Mr. Smith did down in Washington, I could continue to talk from now until Monday, possibly, when the Senate comes back into Session, but I sometimes think that I positively would not get anywhere if I did.

There isn't any sacrifice, gentlemen, too great to my mind to save our form of government, and the only way we are going to save it is to get up here today, during this session, and say to the Governor of the state of Pennsylvania and say to the manipulators, say to the Department heads of the state of Pennsylvania, "We are the members of the legislature; we are the representatives of the people and we are going to demand that you give us control of this session of the legislature." Then, gentlemen, you will put back the confidence that you are talking about into the hands of the people, but, gentlemen, you are not going to put that confidence in the hands of the people as long as you continue to let the Governor of this state or the governor of any other state tie the hands of the representatives of the people. Just bear that in mind, gentlemen, that you are not going to do that as long as you allow those things to be done. I realize just exactly how some of you feel about this. I have talked to some of you and you have been perfectly honest in your talk to me and I have been perfectly honest as I talked about it with you. It isn't entirely this session of the legislature that has given the power to the Department heads of the state of Pennsylvania. When my party was in power I am not saying I was strong enough or forceful enough to do it at that time, but at the same time, you are the men who are hollering the loudest about dictatorship and about our worthy President and the way he is running the country.

My friends, as I explained before, Congress of the United States has been in session longer and more during the last eight years than at any time in the history of our country, and as long as we are in session, as long as we the representatives of the people have the right to come here and enact laws in the interest of the people, as long as we have the right, gentlemen, the country is safe but I say to you we are being deprived of that right at this particular session of the legislature.

My friends, I want to thank you for this opportunity and the courtesy you have shown to me, and hope that the fellows over there and also the fellows over here will get up and voice their opinion today, because, gentlemen it might be too late the next time you have the opportunity.

The SPEAKER. The remarks of the gentleman from Westmoreland will be noted in the Journal.

## ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker, I am making this address because I am absolutely free of any political influence and under no obligation to do so. I am not in any way a candidate at the present time.

I am reminded, however, of the story of a man who was the father of a very large family, and his wife was always casting it up to him. He said, "Well, what do you think I can do about it?" She said, "I don't care what you do. Why don't you pick up a rope and go down to the garage and hang yourself?' He said, "All right, I will", and he took the rope and went to the garage and hanged himself. He didn't come back for quite a long time. His wife became worried and went down to the garage and found him sitting upon a cracker barrel with the rope in his hand. She said, "What are you doing? Why don't you hang yourself?" He said, "Now, I was just sitting here thinking that possibly I might be guilty of hanging an innocent man".

Mr. Speaker, I would like to say a few words on behalf of Governor James, because whatever else he might be accused of, I don't think he can be accused of dictatorship, particularly by any of the members of the opposite party. During my period of service in this House, I particularly remember one special session when I came back all the way from Tennessee to attend. There was only one subject in the call, and that was to pass the Social Security Act of a particular type. Lest we forget those dear old days that have not gone beyond recall, I wish to call the attention of the members to the fact that in those days there used to be sent up here from Washington certain bills that were covered with different colored backs than the ones we wrote. There were others sent to the Attorney General's office which had special colored backs, and they were enacted in those days without question and without delay. I remember in that particular session, there was one vote of two hundred four to one and one of my friends from Philadelphia called me up and said, "I am glad to see you are still in the Legislature."

I have not known Governor James such a very long time. I have served three terms in the Legislature, but I certainly feel, particularly during the last regular session that that session was without any question, and I believe the older members will agree, was one of the most wide open sessions that has ever been held. When we came down here, there wasn't any Governor's program that we had to enact. On the contrary, the House itself formed committees and drew up bills of its own, and for the first time that almost anybody could remember, there was a House program put forward by the House.

The gentleman from Westmoreland has brought out some very important points here today, but he hasn't by any means proven the charge of dictatorship against the present Governor. He has established, however, that there is a crying need for more regular sessions of the Assembly. I think it would be a fine idea if we could meet every year in regular session to enact the necessary legislation. It would also be a very nice thing if we could go into those problems rather than decide them in party caucuses. The people back home don't know anything about caucuses, there is nothing in the Constitution with regard to them. When we are talking about the dictatorships, I think you want to get down to real dictatorship, and you can go clear beyond the question of the growth of bureaucracy and governmental regulation.

Let me call the gentleman's attention to the fact, that in the file in my desk there is a bill that I offered last ses-

sion, on which I didn't get any support from the other side, to make it impossible for Departments to issue regulations more than twice a year, unless they were approved by the Governor as an emergency regulation.

In our part of the country, during the Democratic regime, there was a situation that gave rise to a new proposition called the "Milk House Rebuilders" and every time a farmer would get his milk house finished, there would be a new specification from the department to require that the place be rebuilt. Now, that was bureaucracy, and that wasn't under the James administration.

I think the gentleman from Westmoreland is entirely right. I would even go so far as to advocate to you who are going to be here during the next session, because I shall not be here, that you try to put through some provision whereby when special sessions are needed the members of the House, by signed petitions, say two-thirds of the members, would have the right to initiate subjects which would be put in the special call, then you will be doing something constructive.

Let me say, as an impartial observer, that I think the present Governor of Pennsylvania can most emphatically be found not guilty of any charge of trying to dictate to this House. I thank you.

The SPEAKER. The remarks of the gentleman will be noted in the Journal.

## RESOLUTION

### CONGRATULATIONS

Messrs. JAMES and BRETHERICK offered a resolution which was twice read as follows:

In the House of Representatives, May 9th, 1940.

On Tuesday, May 7th, the Honorable Thomas A. Curran obtained from this House a brief leave of absence.

Yesterday, May 8th, before the day was well begun, a sweet new flower of humanity fell from Heaven to blossom in his home.

Our Tom, after a terrible night in a Chester hospital, is back with us again, the proud and happy father of a new and yet unnamed son, which makes the fourth new Curran in Delaware County, therefore be it

Resolved, That this House extends its congratulations to the people of the first legislative district of Delaware County upon this addition to the "intelligentsia" of the district; to Grace M. Curran, the mother of the new born son for her part in this notable occurrence, and to the Honorable Thomas for his wonderful recovery, and for the remarkable fortitude and outstanding bravery which kept him with us up to so short a time before the happening of this blessed event; and be it further

Resolved, That as the son has not yet been named, we suggest that in honor of his colleagues from Delaware a most fitting cognomen would be Ellwood Arthur Benjamin Curran; and be it still further

Resolved, That is a lasting tribute of this House, the Chief Clerk shall immediately transmit a copy of this resolution to the said Ellwood Arthur Benjamin Curran in care of his illustrious sire and his happy mother.

On the question,

Will the House adopt the resolution?

Mr. CURRAN. Mr. Speaker, I want to say that I sincerely appreciate the lively sentiments expressed in the resolution and I thank for your thought. I want to assure you all that the baby, the mother and the father are well and have sufficiently recovered, particularly the father.

I would be very happy to take up the suggestion regarding the cognomen of the child on my return to Chester, when it certainly will be given due consideration. Thank you.

The SPEAKER. The Chair feels that perhaps the young son has enough burdens to carry through life without a name like that. There isn't any doubt, however, and there never could be any doubt about his politics.

Mr. WOODSIDE. Mr. Speaker, I was just interested to know whether there will be any recurrance!

Mr. SPEAKER. The Chair would say from the case history of the Woodside family there is not likely to be.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, while it is my intention to vote for House Bill No. 1 on final passage, I do feel that some remarks should be made on it. This as you know is the bill appropriating seventy-one million eight hundred and fifty thousand dollars.

Mr. WOODSIDE. Mr. Speaker, may I ask the gentleman to yield just a moment until I make a statement?

Mr. ACHTERMAN. I yield to the gentleman from Dauphin, Mr. Woodside.

Mr. WOODSIDE. Mr. Speaker, may I suggest to the gentleman from Monroe, Mr. Achterman, and the House generally, that there will be no objections from this side if in the debate on House Bill No. 1 they desire to debate the entire relief program, including the transfers. They are so interwoven that I think debate would be more intelligent if all of those matters were discussed at the same time, or at least if the debator were permitted to discuss all of them at the same time. I make that suggestion before Mr. Achterman begins his remarks, so that if he desires to discuss any part of the relief program or the transfer bills, there will be no objection to his doing so.

The SPEAKER. The chair desires to inquire of the gentleman from Monroe, Mr. Achterman, whether that is agreeable to him?

Mr. ACHTERMAN. Mr. Speaker, I certainly appreciate the latitude that has been offered by the majority floor leader. I do believe, however, that we can reasonably confine ourselves to the subject matter covered in each bill, and of course, I hope my colleagues on this side will confine themselves to each measure as it comes before us and to the particular subject as nearly as possible for them to do so. I agree with the majority floor leader, however, that at times perhaps we may have to refer to some of

the other measures, but in so far as we can confine ourselves, we certainly shall.

As I stated before, Mr. Speaker, this bill appropriates seventy-one million eight hundred and fifty thousand dollars to the Department of Public Assistance. The record of the Democratic Party during the course of the last six or eight years has indicated our position relative to relief of the unemployed and unfortunate. As a matter of fact, our party has been the champion of those unfortunates, and certainly we do not today intend in any manner to interfere with or to stop the program of relief for the unfortunates of Pennsylvania.

We appreciate also that the Governor needs money in order to carry out that program. We know also that he has some sixty million dollars that he has managed to save for relief, but that he needs other money in addition. However I would like just briefly to review for the members of this House what has occurred in the first twelve months or perhaps slightly longer of the James administration, and compare it with the last year of the Earle administration, because certainly you men know how Governor James, then candidate James, went throughout the length and breadth of this state complaining about the extravagance in relief in Pennsylvania under the Earle Administration. We were told, and when I say we were told, I mean the citizens of Pennsylvania, that the money was being wasted, just sinfully wasted here in the state of Pennsylvania. While he did not deny that there was a grave necessity for relief, he thought that it was not on the scale on which we at the time were paying out. Certainly it must be of interest, therefore, to the citizens of this state to know how much Governor James was able to wring out, how much waste occured, because certainly if we compare the relief expenditures of James with the relief expenditures of Earle, then we will have some fair measure to gage the so-called waste that was alleged to exist.

In 1938, under all the various plans of relief in Pennsylvania, which takes in old age, to which the Federal Government contributed, which takes in dependent children, which takes in the blind, relief generally in all its various phases, under the Earle Administration there was $122,370,918 expended. In 1939, under the James Administration, there was $144,405,791 expended, somewhat in excess of more than twenty-two million dollars. Then in in 1940, bringing it down almost to the present day, in January there was $10,876,000, in February there was $10,592,000 allotted; in March there was $11,518,000 and in April $10,791,000.

In other words, the expenditures for the first four months of this year are in excess of the expenditures for the first four months of 1938, which proves and which discloses one thing, members of the House, that there was no waste in the Earle Administration.

May I point out to you where I believe there has been waste instituted here in Pennsylvania since the James Administration has been administering relief? It is in the cost of administration that waste can really occur, and that is where waste is actually now occurring. In 1938, the administrative costs were $11,564,382. In 1939 the administrative costs were $13,409,344, an increase of almost two million dollars. That isn't all the story, for unfortunately, the cost is still continuing to rise, and by the cost, I mean the cost of administration.

For example, in January, the cost was $1,153,618. In February, the cost was $1,087,313, in March, $1,158,806, and in April the cost was $1,116,690.

I am stating these figures to you, members of the House, in justification of our first proposition to you on Monday. We asked you then, we asked you on Tuesday, and we have asked you every day since to refer these bills back to Committee; refer them back for the purpose of a close and studious examination, not for the purpose of making political capital out of it, but for the distinct purpose of wringing out this gross waste of money that has occurred in James' administration.

I admit that perhaps you feel you need all the extra jobs that two million dollars may represent, or you need the advantage that the expenditure of two million dollars may produce for your party, but I do say that if you are parading through the state of Pennsyvania with Economy as your banner, then certainly here at home, here at the Capital, you should first of all endeavor to practice econony. Certainly, that is fair. Think of the advantage it will give to your Governor, think how he could say then that he had wrung the thing through the wringer and was passing back to the people the savings. The unfortunate part of the matter is that you refused to either join with us, or do it yourselves, and you refused to investigate, refused to inquire into it. Apparently you did not desire to have any knowledge concerning the subject, you were not interested in going into the proposition of how much money has been taken out of the assistance fund for the job mobilization program. Don't you feel it should be gone into; don't you think it deserves investigation, don't you feel that you as citizens, ought to know where this money went? Do you realize what you are doing when you refused to go into an inquiry, into a thorough investigation, but instead place before us a measure at a time when your funds are almost exhausted, when you know that the people will be crying for bread, then you place before us a measure and say "We need the money." We are caught in the position that we cannot deny the money. Will we investigate while they starve or will we feed them? Certainly as between the two problems that are facing the members today, we must vote for the measure even though we are reluctant to grant to Arthur James the opportunity to continue his wasteful expenditures of money in so far as administration costs are concerned.

MR. FURMAN IN THE CHAIR

Mr. OMINSKY. Mr. Speaker, I too intend to vote for House Bill No. 1 and I will ask my colleagues also to do so, not because we are satisfied with the program as presented by His Excellency, Governor James, but because we feel that our prophecy in 1939 to the effect that the relief moneys which were appropriated in that session were not adequate, was correct, therefore this special session was made necessary. We do not feel that even seventy-one million dollars will be sufficient for relief through out the biennium. We hoped the Governor woud increase that amount and give us a definite program to provide for the repayment of those moneys. Unfortunately, as has already been pointed out, this special session limits our scope of deliberation, and since there have been many complaints about the tying of our hands, the administration might well take into consideration the bill which I have offered at this special session in the form of an amendment to the Constitution which would provide for

annual sessions so that no administration would be forced to prepare a financial program for two years, but rather for one year, and in that way be in a better position, in a more honest and truthful position to prepare every year as we go along to pay as we go in this Commonwealth.

To show the attitude, not only of the Democratic members of this House relative to this program, I ask your indulgence to read an editorial which appeared in one of the conservative newspapers of Philadelphia regarding this program which has been submitted by the administration. Just a few days ago this editoral appeared in one of the newspapers in Philadelphia pertaining to this program as presented by His Excellency, and I quote as follows:

"The Governor's Program"

"Governor James, recommending that $71,850,000 be added to relief funds, draws on two main sources for the needed appropriating power.

"He creates $13,000,000 of appropriating power by adding that amount to the estimated receipts from present revenue sources. Everybodv hopes that the additional money will be received, but if it is not, the Governor will have laid himself open to the charge of establishing a paper balance in one of the ways that contributed so heavily to disaster in Philedelphia.

"The rest of the new appropriating power comes principally from various special funds. The Governor is justified in treating cash reasonably to be expected in these funds as though it were already there; but there is confusion in stating in one breath that the State now has this money, and in the next that the money will later be restored to the special funds.

"If the State recognizes an obligation to restore the special funds, it is incurring debt just as certainly as if it borrowed from outside sources.

"The Governor may be safe in predicting that new taxes can be avoided in 1941. It is often possible by budget manipulation to stave off new taxes for many years. What Pennsylvanians would like to know is whether both taxes and budget manipulation can be avoided in 1941."

That comes not from the Democratic side of the House, but from a conservative newspaper which has many times been at variance with our party's principle and advocation.

Following this thought, I think the people of Pennsylvania ought to know what others think, and how they have judged and what they think of the present administration's policy. It is very interesting to note in a weekly newspaper, which appeared as recently as May 6, a resume of the present administration's policy as far as Pennsylvania generally is concerned. That article, with your indulgence, I shall read into the record for your consideration. The article is as follows:

"Always a Republican stronghold, Pennsylvania was the last and hardest state to be won to the New Deal. Pennsylvania underwent its major revolution four years ago when enough Democrats were elected to win control of the state senate from the oil, coal and steel barons who had owned it for forty years. The advent of a Democratic administration meant more in Pennsylvania than anywhere else. A reflection of the national New Deal trend of the time, the change was also a long overdue reaction to the public-be-damned leadership of men like Boies Penrose, Matt Quay, and later the Vares, Grundys and Pews.

* * * *

"Governor Arthur Horace James, who had been Lieutenant Governor in an ultra-conservative Republican administration of a decade ago, brought a typical Republican retrenchment policy, tempered by presidential hopes, to a $10,000,000-a-month relief problem. The main plank of the Governor's campaign platform was a promise to reduce "confiscatory" taxes and "bring business back to Pennsylvania." A few weeks after his inauguration, James had to face the embarrassment of walking his main plank. The legislature was recessed for two weeks while the new Governor and his fiscal experts struggled with the budget. Republican floor leaders admitted their "chagrin" when all the old tax laws were trotted out for reenactment. James had no other solution.

All of James's major moves have been in reverse. The James-controlled legislature gutted the previous administration's progressive labor and workmen's-compensation laws, gave the go-ahead signal for sheriff sales of tax-delinquent property and handed industry the right to work women until midnight (with more than a million Pennsylvanians out of work).

"Faced with the necessity of increasing taxes or putting through a short-changed budget, the administration appropriated $120,000,000 for relief for two years at a time when the state was spending $10,-000,000 a month, postponed previously enacted increases in state subsidies to schools and health institutions and promised to call a special revenue-raising session if necessary. At the same time the administration fell with a loud bang for * * * the notorious "Work to Eat" bill, under which it was proposed to make relief recipients preform made work for their money. With the utmost difficulty, Republican wheel-horses shoved the bill through in the closing hours of the session, but thus far only a few "Work to Eat" projects have been started. More recently, the Governor * * * attempted to launch a "Give a Job" movement among employers. Mr. James may yet revive apple selling on street corners.

"It did not take the Governor long to reveal his attitude toward labor and civil liberties. Within a fortnight after his inauguration, when a newspaperman asked him what would happen to the Earle-created Civil Rights Bureau, he replied with finality: "That's out." Though labor protested vigorously, he ousted an Earle appointee to reinstate as head of the state police the same Major Lynn G. Adams whose regime over more than a score of years had won for the state troopers the title "Pennsylvania Cossacks."

"One of the earliest moves of the administration was to emasculate the state Labor Relations Act, which had been patterned after the NLRA. Not only did James reduce the state board's powers, increase employers' privileges and decrease employees' rights correspondingly, but he gave his Secretary of Labor complete veto power over decisions of the board. Disregarding Pennsylvania's sorry record of 43,950 industrial deaths from the beginning of 1916 to the end of 1938, the self-styled "Breaker Boy Governor" cut the number of factory inspectors from 100 to 59, quarry inspectors from 13 to 7 and elevator inspectors from 21 to 19, which resulted in a sizable, as yet untabulated, increase in industrial accidents last year.

"Until the Earle administration passed a just workmen's-compensation act in 1937, Pennsylvania's treatment of injured workmen was a national disgrace. Pennsylvania, an industrial state, ranked thirty-seventh in the country in th amount of compensation employers were to pay for injuries and deaths. The new act moved it up to fourth place, but today Pennsylvania, "workshop of the world," is back where it was in the Republican dark ages. Let the conservative Pennsylvania Medical Society sum up the effects of the James administration's compensation law:

" 'The act as it now stands returns Pennsylvania to the place where its compensation laws compare, and not too favorably, with the most backward of the so-called backward states. Under the act at present the physicians of this commonwealth are deprived of things for which we have striven for years; the workers are deprived of certain rights which the interests of simple justice demand and which an enlightened commonwealth has the right to expect. The Pennsylvania law now states that sixty days are enough to cure any industrial injury, and that $150 should provide enough medi-

cal aid and surgical care for any injury. We now return to the place where a broken finger is entitled to the same amount of medical care as a broken back . . . .'

"Under a tenure law passed by the Earle administration, Pennsylvania school teachers were released from the domination of politically controlled school boards and school superintendents, who in some counties made them dismiss school on election days to go out and drum up votes among the parents of their pupils. The James administration modified this act by putting new teachers under a two-year "probationary" period. School boards were also given the right to fire under a rating-card system, or fire any teacher whose conduct "so flagrantly violates the moaal standards of the community as to impair his or her efficiency."

Bills proposing charter reform and proportional representation for corrupt Philadelphia were given short shrift. When an investigating committee reported some smelly conditions in the oil industry, James merely abolished the committee. No state housing board has yet been appointed to succeed Earle's. James lopped the Public Utility Commission's budget by more than $1,000,000 (almost one-third) and fired hundreds of employees. The Commission is supported by assessments on the industries investigated.

"James has made other half-cocked attempts to save money. A notable example is the Pennsylvania Turnpike Commission's mountain-tunneling Pittsburgh-Harrisburg "dream highway," which cost $70,000,000. James was going to stop that job, but discovered that the federal government was paying the whole bill (the cost is to be amortized through tolls) and endorsed another Earle undertaking. He scrapped a projected maximum-security prison, delayed for two years the opening of a recently completed tuberculosis sanitarium and postponed other needed construction. While millions of federal dollars continue to pour into the state through the Turnpike Commission, payrolls of the State Authority are becoming steadily slimmer.

"In 1936 a devastating death-dealing flood hit Pennsylvania, costing $250,000,000 damage to Pittsburgh alone. The Earle administration, in cooperation with the federal government, launched a far-reaching flood-control program, contemplating the construction of ten impounding reservoirs in western Pennsylvania. Two have been completed; another is building. These dams, army engineers estimate, can hold future floods three feet below the previous record-breaking level, but anyone in Pittsburgh knows this is only a start. One of Governor James' first official acts was to reduce the flood-control program to projects already under construction, asserting he couldn't trust the federal government not to use the dams for hydro-electric power.

"A few weeks after his inauguration, Mr. James called his Cabinet heads together and asked for a list of activities that could be eliminated. The result was the abolishing of some 2,000 jobs, at an estimated annual payroll saving of $5,828,000 (which would finance Pennsylvania relief for less than three weeks). The new Republican legislature also discontinued the practice of tax-abatement. Earlier legislatures had come to the rescue of property owners by passing bills to mark down interest and penalties on tax-delinquent properties. But the James-controlled legislature passed laws which by August 1, 1940, will dispose, at sheriff's sales, of all properties delinquent for 1934 or earlier.

"A few months ago Pennsylvania's new Department of Commerce, set up by the James-controlled 1939 legislature ostensibly to entice new industry into the state, opened a $113,700 national advertising program featuring Governor Arthur H. James and the "tangible results" of his administration, paid for out of state motor-license revenue. For a starter, the department bought a full page in the Saturday Evening Post and in Nation's Business, at a net cost, respectively, of $9,545 and $1,400. Heartened by the war boom in Pennsylvania's coal and steel industries, Governor James stepped out to take a bow unwarranted by the applause. Actually, the only constructive measure of his administration to date is a ban on fire-crackers. Although, even with the war boom, the job increase has been much smaller in Pennsylvania than in several other states, Mr. James suddenly discovered some amazing job-creating records, estimating the industrial expansion under his administration at $32,000,000. Included in the list were three big corporations with a total new construction cost of $25,000,000—all of which expansion occurred during the Earle administration.

"Any consideration of James as presidential timber is based on the fact that he is the announced choice of the multi-millionaire oil man Joseph N. Pew, No. 1 Santa Claus of the Republican National Committee, and other economic royalists in the state. Now that Pew has nudged Joseph R. Grundy, the aging president of the Pennsylvania Manufacturers' Association, out of the State Republican leadership, he will control most of Pennsylvania's seventy-two delegates to the Republican convention. Pew is probably using James as a stalking-horse, but he is still a factor to be considered in the maneuvering. The $130,000,000 relief deficit created by the administration's short-changed budget has required a special legislative session this month (May), and the way in which James copes with this situation may directly affect his role in the convention.

"In an ungarded moment during his gubernatorial campaign, James let slip a threat to "make a bonfire of all the laws passed by the 1937 legislature." That in practice he left untouched a few laws like the enormously popular unemployment compensation one is no compliment to his social philosophy but a tribute to his political sagacity. Sentiment against James has not yet crystalized in Pennsylvania. It has had no immediate occasion to, nor have the results of the Republican ripper legislation had a chance to register on the public consciousness. Pennsylvania has found him long on promises, short on performance. One of his most solemn campaign pledges was "A Job For Every Man Who Wants One". According to latest figures, Pennsylvania still has more than a million unemployed, only a third of whom are on direct or work relief."

That is the type of administration that is now fostering the present program of legislation as far as relief in Pennsylvania is concerned. If all of you will look at the figures pertaining to your counties, and I know we have looked at ours as far as Philadelphia is concerned, we have found that if we pass the transfer bills taking the money out of the various funds, Philadelphia will be deprived of at least five million dollars next year which would ordinarily be included in the budget making balances, and yet Philadelphia with the stortage that it has already, created by a Republican controlled council, which body found it necessary to levy a wage tax on the workers. If these transfer funds are made available by this legislation Philadelphia may find itself five million or six million dollars short and of necessity may be compelled to raise that wage tax in order to make up the deficit.

Therefore I say to the members of this House, especially to the Republican members from Philadelphia, if you vote for these transfer bills you will be putting Philadelphia back in the red, even though it managed to balance the budget through manipulation and through hocking of various publicly owned improvements in the city of Philadelphia. I say, even though we find it necessary not to stop the relief grants by voting for this seventy-one million dollars, which we contend is not enough, we cannot vote for legislation transferring these funds. If the question be put to us—What is your program to make

up that money? I say to the Republican leadership, that if we had been given a chance to sit down with them as they sat down with others in secret session, we could have worked out a program for them which would have been on the basis of paying as you go, but so long as our hands are tied by this call, so long as the leadership is determined to get this session over as quickly as possible and railroad, or better still, airplane these things through, our hands are tied and we cannot help in giving you a proper and necessary program, to make Pennsylvania balance its budget on a proper basis, and not on a paper-balanced budget.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

Mr. ACHTERMAN. Mr. Speaker, during the course of my remarks I quoted certain figures on expenditures by the Department of Public Assistance in 1938, 1939 and 1940. I I desire to make as part of the record and part of my remarks the entire explanation of those expenditures, both as to total disbursements, general fund assistance, miscellaneous assistance, categorial assistance and administration for the years covered, but I do not at this time ask the privilege to read it to the members of the House.

The SPEAKER. The remarks of the gentleman will be noted and his explanation printed in the Journal.

PUBLIC ASSISTANCE DISBURSEMENTS

Total Disbursements

| | 1938 | 1939 | 1940 |
|---|---|---|---|
| January | $ 9,788,264.93 | $ 10,997,831.81 | $ 10,876,427.06 |
| February | 9,168,624.19 | 11,452,435.72 | 10,592,015.26 |
| March | 11,773,223.96 | 14,934,869.51 | 11,518,824.61 |
| April | 9,309,667.89 | 10,145,990.26 | 10,791,378.14 |
| May | 9,641,274.49 | 11,843,728.00 | |
| June | 10,433,717.66 | 13,070,455.75 | |
| July | 9,843,162.48 | 10,948,553.46 | |
| August | 10,568,338.67 | 14,194,931.25 | |
| September | 10,924,899.67 | 13,554,065.84 | |
| October | 10,299,083.24 | 12,209,120.49 | |
| November | 9,736,287.80 | 11,094,883.73 | |
| December | 10,884,373.07 | 9,958,925.94 | |
| Total | $122,370,918.05 | $144,405,791.77 | |

General Fund Assistance

| | 1938 | 1939 | 1940 |
|---|---|---|---|
| January | $ 6,308,904.00 | $ 7,423,805.70 | $ 6,019,741.15 |
| February | 6,243,417.00 | 7,396,285.96 | 5,634,751.91 |
| March | 6,289,099.60 | 8,360,845.04 | 5,952,890.80 |
| April | 5,423,255.20 | 6,937,734.40 | 5,439,045.30 |
| May | 5,986,691.65 | 5,965,257.20 | |
| June | 6,344,662.00 | 7,673,387.50 | |
| July | 6,011,882.65 | 7,371,346.64 | |
| August | 6,605,792.19 | 9,260,459.45 | |
| September | 6,864,780.28 | 8,390,385.90 | |
| October | 6,416,999.60 | 6,881,180.82 | |
| November | 6,467,967.98 | 6,475,117.40 | |
| December | 6,563,228.43 | 5,664,583.60 | |
| Total | $ 75,526,680.58 | $ 87,800,389.61 | |

Miscellaneous Assistance

| | 1938 | 1939 | 1940 |
|---|---|---|---|
| January | $ 78,637.75 | $ 203,157.52 | $ 570,996.53 |
| February | 38,622.16 | 282,043.74 | 647,033.05 |
| March | 65,984.47 | 317,264.41 | 913,724.90 |
| April | 80,495.03 | 268,790.21 | 647,919.89 |
| May | 76,172.23 | 260,267.41 | |
| June | 90,229.48 | 180,093.68 | |
| July | 93,004.43 | 214,820.74 | |
| August | 90,234.66 | 368,058.73 | |
| September | 75,631.56 | 236,842.90 | |
| October | 183,464.82 | 360,077.23 | |
| November | 99,945.01 | 269,386.80 | |
| December | 696,222.29 | 279,879.89 | |
| Total | $ 1,668,643.89 | $ 3,240,683.26 | |

Categorial Assistance

| | 1938 | 1939 | 1940 |
|---|---|---|---|
| January | $ 2,574,132.74 | $ 2,424,645.34 | $ 3,120,640.71 |
| February | 2,034,180.81 | 2,931,466.64 | 3,222,881.50 |
| March | 4,338,433.50 | 4,684,245.32 | 3,488,402.81 |
| April | 2,942,236.94 | 2,230,112.32 | 3,587,722.61 |
| May | 2,670,251.97 | 4,468,546.55 | |
| June | 3,145,437.74 | 3,766,075.19 | |
| July | 2,863,457.25 | 2,501,444.96 | |
| August | 2,829,685.59 | 3,521,279.79 | |
| September | 2,831,693.98 | 3,453,450.99 | |
| October | 2,703,352.77 | 3,753,425.91 | |
| November | 2,139,607.69 | 3,329,681.00 | |
| December | 2,450,183.03 | 2,741,101.05 | |
| Total | $ 33,522,654.01 | $ 39,805,475.06 | |

Administration

| | 1938 | 1939 | 1940 |
|---|---|---|---|
| January | $ 826,590.44 | $ 936,969.38 | $ 1,153,618.06 |
| February | 846,305.15 | 832,478.02 | 1,087,313.80 |
| March | 1,073,148.86 | 1,560,624.76 | 1,158,806.10 |
| April | 855,680.52 | 685,005.31 | 1,116,690.34 |
| May | 899,958.03 | 1,138,384.43 | |
| June | 847,417.08 | 1,439,448.11 | |
| July | 866,212.23 | 851,055.17 | |
| August | 1,034,063.90 | 1,029,522.44 | |
| September | 1,135,831.78 | 1,464,976.67 | |
| October | 995,259.05 | 1,203,831.23 | |
| November | 1,018,703.40 | 1,009,824.58 | |
| December | 1,165,211.83 | 1,257,224.46 | |
| Total | $ 11,564,382.26 | $ 13,409,344.56 | |

Mr. WOODSIDE. Mr. Speaker, I believe that this program has received this afternoon a great compliment. We did have an extensive political campaign speech by the gentleman from Philadelphia. In fact, an attack was made upon everything imaginable except the program. It indicates that little can be said against this program.

The gentleman from Monroe, who has been leading the Democratic minority, made the remark that we can now discover which party is the champion of the unemployed. I say to him that we have discovered that his party is the champion of not the unemployed but of unemployment. The Republican party during the campaign in which Governor Arthur H. James was elected made the pledge to the people of Pennsylvania that they would not let down those on relief, but they would lift them up. The gentleman from Monroe after making the remark that his party is the champion of the unemployed went on to show by figures that more money was spent for relief by the James administration over a certain period than was spent by the Democrats. The Republican party has kept their pledge and will continue to keep their pledge to the unemployed. They will not let them down. They will lift them up.

Why has it cost Pennsylvania more money for relief over a period of time than it did under the Earle administration? There are indisputable figures which answer that question and answer it conclusively. We all know that the cost of relief in Pennsylvania depends upon the number of people on WPA. What are the facts? In November of 1938 there were on WPA in Pennsylvania, which means the unemployed off relief, a total of two hundred and seventy-nine thousand cases. Today there are a total of only one hundred and ninety-five thousand unemployed cases on

General Assistance. If the WPA would have as many people on today as it had on in November of 1939 they would have off the relief rolls of Pennsylvania practically every unemployed person.

"Let us look at the record", as one of the members of the other party is accustomed to saying. In January of 1939 there were on General Assistance two hundred and thirty-eight thousand cases; on WPA two hundred and forty-nine thousand cases, or a total of four hundred and seventy-nine thousand cases on the two. Then what happens? As time went on business got better, people began getting employment and the total list of unemployables has been continually going down. There were four hundred and eight-five thousand in February, then it started to go down to four hundred and eighty thousand, four hundred and sixty-three thousand, four hundred and forty-five thousand, four hundred and twenty-five thousand, and in July, 1939, four hundred and five thousand. By December, 1939, there were three hundred and thirty-four thousand; down to April, 1940 when there were three hundred and thirty-one thousand. That is what the total unemployment situation in Pennsylvania is today. The Republican administration has put people back to work as is clearly shown by the figures.

What is WPA doing? What has their party, the champion of unemployment, done for Pennsylvania since the Republican administration has taken over? Let us look at the figures again. Two hundred and seventy-nine thousand cases in November of 1939; in September 1939, one hundred sixteen thousand five hundred twenty-five. The WPA list kept on going down so that the average during the period was down to one hundred and forty thousand from July 1, 1939 to December 31, 1939, while the average from July 1, 1938 to June 30, 1939 was two hundred and fifty-one thousand.

What is the comparison between WPA and the assistance which they are giving to Pennsylvania, and the assistance which they are giving the other states? Let us look at a few figures, and you can approach this from any angle or any attitude, and the figures will tell exactly the same story. The total general relief and WPA, according to the Social Security Bulletin, a federal publication dated March, 1940, is as follows, and I want you to pay particular attention to this because this is what the national administration in Washington says about what they are doing in Pennsylvania for the unemployed: In the nation as a whole WPA stands one hundred and seven to General Assistance thirty-eight—107 to 38. In Pennsylvania it stands seven to six. In the United States as a whole in December of 1938 WPA carried 65.. percent of the load, and in Pennsylvania 53.1 percent. But that is not all. In October 1939 WPA had dropped in Pennsylvania to 33 percent, while in the nation as a whole they were employing 53 percent.

What has been the reduction of the relief in Pennsylvania in comparison with those of other states. Just look at that for a minute. Let us take the reduction in WPA employment from December 1938 to October 1939 in the ten states having the lowest present reduction, and compared with Pennsylvania. In New Mexico about eleven; then it goes on up to the next highest, Maryland, which is thirty-three. Where is Pennsylvania? Pennsylvania's reduction is over forty-five percent. The record shows conclusively that the total of those being carried on unemployment relief and general assistance in Pennsylvania and those being carried by WPA has gone down as conditions have improved. But has Pennsylvania gained the advantage of that? No. The Federal Government in Washington has seen to it that the Republican Administration in Pennsylvania cannot take the credit of putting the unemployed back to work. They are going to keep our relief rolls up, they are going to embarrass us as members of the legislature, and we Republicans as members of the legislature say to you that Pennsylvania is not going to get its full share of WPA and relief money. They are going to see to that and so, more than any state of the nation, they have cut down the amount which WPA gets, they have cut down our share, and they have seen to it that we are not getting our full share of the money to which we are justly entitled.

The whole result is what? We are here to provide more money for relief; we will not let the reliefers suffer, we will provide the money for them. But the reason we are here to provide that money for them is because the national administration in Washington has not been willing to do its just share. That is the only reason we are here. I could go on with figures and figures and show you all the figures in relation to this and convince you what I am saying is unquestionably true, but I think I have given you the record which cannot be disputed, which will show you that Pennsylvania is not getting its share from the Federal Government, show you that relief costs are so much in Pennsylvania primarily because the Federal Government has not carried its share of this load. The Republican party in Pennsylvania will not let the reliefers down, they are the champion of the unemployed, it is the Democratic Party that is the champion of unemployment.

Mr. JIROLANIO. Mr. Speaker, I could hardly remain in my seat much longer when I heard that eloquent address by the majority floor leader giving to the Democrats the full blame for the WPA program in Pennsylvania. If my memory serves me right, at the last election in which His Excellency the Governor ran for office, he went the entire length and breadth of this state, preaching that what the state of Pennsylvania wanted was not relief, not WPA, but more jobs and less taxes. Now, let me remind the gentleman from Dauphin that it was a Republican Senator from the state of Pennsylvania who by his vote deprived the needy of the state of Pennsylvania to the tune of one hundred million dollars. I charge if there is anything grossly inadequate with WPA it is because Senator Davis, the figurehead of the Republican Party, did not do his duty to the people of the state of Pennsylvania. You were not interested in relief then, you were not interested in WPA then, but you are interested in it today in order to throw a smokescreen around the Democrats in Pennsylvania and the citizens of the state of Pennsylvania so that your program may receive approval.

Mr. WOODSIDE. Mr. Speaker, I cannot let one of those statements go unchallenged. The fact of the matter is, if the gentleman will refer to the Congressional Record, he will notice that the last session of Congress, along with the Republican votes, gave to the President of the United States every cent he requested for WPA.

Mr. HOLLAND. Mr. Speaker, I sat and listened to the majority leader of this House make a comparison of direct relief as well as employment on WPA. I was surprised that the majority leader, with the services of so many men now in the employ of the state Government

to give him figures and facts would try to mislead this House.

For his information there are at the present time 187,475 cases on relief, representing 579,131 people. At the present time there are on relief in the state of Pennsylvania only 75,584 people who can work on WPA. Those men are the people on this relief load who are not physically able to work. And why are they not physically able to work? What are the reasons? Don't laugh gentlemen, because I'm going to tell you why. One of the reasons why they are in the shape they are in and the reason why it can be laid at the doorstep of your party is because industry of Pennsylvania refused for years to treat the laborer that it employed on the same basis it treated the mule that worked in the mine. These men who are now on relief and who are unable to work are suffering from injuries that they received making the millionaires of Pennsylvania richer. These men are suffering from hernia; these men are suffering from diseases that were contracted making money for the people who are now financing your party. You know why and so does the gentleman from Dauphin County know why there are not more WPA projects in Pennsylvania. Your Republican stronghold in Philadelphia has been negligent and has been a slacker in sponsoring WPA projects. Today in Philadelphia there are over thirty-seven thousand men available for work, and your party refuses to put up the sponsor's money to buy the materials. Yes, it is easy for you to go out and say you are crying for the unemployed, but God knows and the unemployed know that in the last session of the Legislature, yes, and the people who are working for a mere existence know that the Republican party never was their friend.

Your Governor went up and down the state and ridiculed, yes, and when he was not there in person he turned on a record and played a record to the men who were on WPA, ridiculing and saying that they should get a job at higher wages. Where are these jobs that he promised? He has not fooled the people. Look at the last record in the primaries and you will find that in Allegheny county two thousand and eighty-seven wrote the name of Franklin D. Roosevelt on the Republican ballot and only five hundred and eighty-seven Republicans wrote the name of Governor James on that ballot. That, I think, is proof that he cannot continue to fake the people of Pennsylvania. So I ask the majority leader of this House, when he had declared unconstitutional and not within the call my bill appropriating thirty million dollars to be used in grants to local municipalities to take off every man on direct relief that is able to work, when he opposed that bill he opposed reducing the direct relief load in Pennsylvania. Let us be consistent. It is time for us to quit waving the flag, and I think yesterday in this House we showed a lot of the flag wavers, when it gets down to voting they drop the flag. So I ask you men to remember these facts, also remember that with the transfer of these funds you are going to deny the counties, municipalities, the boroughs and the townships the use of twenty million dollars, and that amount of money could sponsor enough WPA projects to put every man available in the state to work on federal works programs.

Mr. LEVY. Mr. Speaker, yesterday when these bills were on second reading we introduced certain amendments. We also of the minority felt a degree of sympathy for the majority floor leader, because we felt he had to defend the Governor of the Commonwealth. I take it today that his is the voice of the Governor. The majority floor leader knows full well that only a few short months ago, when the Governor was faced with the picture of calling this special session he immediately raised the cry of lack of federal aid on WPA. He did not cry so loudly, he did not cry so long because at the show down in Washington he found out that in Philadelphia alone the Republican dominated city council refused at that time and still refuses to sponsor money for federal projects in Philadelphia and nearby Philadelphia. The majority floor leader knows full well that the issue raised in House Bill No. 1 cannot be smoke screened by him or by any member of the Republican majority of the House. The fact remains that they are asking for certain funds which they must of necessity provide. The Republican majority floor leader knows that they do not like to provide the funds but they must under the law. The Public Assistance fund and the Public Assistance law were sponsored by the Democratic majority in 1937. The majority floor leader's memory is not so short of the 1936 special session, when a Democratic governor was faced with this shortage, that the same Republican majority who was then the minority, fought every transfer of funds that was asked for in that special session. In that session, gentlemen, the governor at that time did not request a transfer of funds which he did not intend to repay, but he requested certain funds and requested the Legislature in an appended proclamation to his call, to send through certain tax bills to make up the deficiency. In 1936 the Democratic party had the courage, the conscience and the foresight to see that these deficiencies were made up before we adjourned. We are called into special session in 1940. It was not until Monday night of this week that we knew what the Governor wanted. It was only two days ago that these bills were railroaded through committee and sent out on the floor of the House, denying us the privilege and the proper right of the General Assembly to hold a public hearing. I cannot go into detail in speaking of House Bill No. 1, because it is inter-related to House Bills Nos. 2, 3 and 10 and all down the line. You will hear later from us as to where these transfer moneys are going.

I wonder if the Republican members know that your Governor is asking you to take funds from certain bureaus which are today much more needed than the relief program in the state of Pennsylvania; the tubercular hospitals, the aid to crippled children; you are suggesting that we take these very much needed funds out of those bureaus which must be repaid but you do not provide the method. The Republican majority floor leader knows they are evading the issue; he knows that his party is not meeting the relief program of the state now and never will. I know what they are thinking and they know it too. They must remember that the 1941 Legislature will not be comprised of their complexion of political faith. They know that someone must face this issue. They have got to get out of here. There is a Republican convention in Philadelphia in a few weeks and possibly Governor James' name might be sponsored—possibly. They know that he is going to go to Philadelphia with no new taxes; they know he cannot afford at this time to put himself on the spot and say, "I failed to keep my campaign promises of 1938". They know only too well, and we will show

further, when House Bills 2 and 3, those phony transfer bills, come before the chamber for final passage, we will show where that money is going and why it should not be taken out.

Mr. HINDMAN. Mr. Speaker, I was indeed surprised to hear the statement made by your very estimable floor leader, Mr. Woodside, telling you as to how relief in Pennsylvania had been lifted up during the present administration. As the members of this House know I am quite close to the West Virginia line; we are within close proximity of a large steel company in West Virginia, and when I heard your majority floor leader make the statement in regard to the relief situation in the state, I could not help but feel that he must be in the position Mrs. Pinchot was a few years ago when she went to Weirton, West Virginia, and made a number of rather inflammatory speeches. I wondered why she was there but I finally found out that she thought she was still in Pennsylvania. So I could not help but feel that Mr. Woodside was talking, perhaps thinking, that he was in Pennsylvania when he was across the line in West Virginia.

In six years that I have been a member of this House relief conditions have never been as deplorable as they are in sections of Pennsylvania whence I come. I charge that the relief organization—and when I say this I realize that on the floor of this House I went to bat against relief the way it was being administered back in the Democratic administration, but I say to you it was not anything like it is today. If Mr. Woodside will come back with me to my home in western Pennsylvania I will take him to homes of people who are absolutely destitute and cannot receive relief. I will take him to the home of an old gentleman seventy-seven years old, who has an invalid wife who is seventy-five years old, who has been on old age assistance for some three or four years, but under the present administration they have been cut down to six dollars a month. I will take him to widows who have been receiving mother's assistance for some three or four years. One widow I have in mind came to me with tears in her eyes. She has five children and she told me she would be obliged to take those children out of school if she did not receive relief from some source. So I cannot refrain from fighting back when I hear such statements made, when I know that what I have just said is true. I could go on and on and tell him of the number of people who have applied to me and I cannot do a thing about it.

I can recall one case in the western end of the state, an old gentleman who committed suicide because his relief was cut off. As for unemployment, I am sure that that must be in West Virginia instead of Pennsylvania because the unemployment situation in our district is very, very acute. I know a great many of the very best workers there are any place in the whole state are walking the streets, are doing everything they can to secure employment, but who are not securing it. Mr. Woodside claims that all of the employment we have received has been due to the James' administration. I take issue with that statement because it is absolutely not due to what has been done by this administration. Mr. Woodside knows full well, as do the other members of this House, that the horrible war going on across the seas is the thing that has boosted employment in the state of Pennsylvania.

I know of one chairman of one of the unemployment committees appointed by your Governor, who after weeks and weeks absolutely refused to serve and said that he had not been able to place one single person in industry. It is ridiculous to think that an employer, a bank, for instance, will take on three or four extra employees when they do not need them. The same is true of any other business man. He cannot cite one instance in our district where such a thing has occurred. I think we should look into this thing in a fair and impartial manner. Certainly it is not a political issue. I do hope that Mr. Woodside will come back home with me to the western end of the state in order that I may show him that unemployment is certainly in the ascendency, that he cannot brag of the way reliefers have been lifted up, and he cannot brag as to how unemployment has been eliminated.

Mr. WOODSIDE. Mr Speaker, I am going to answer the remarks of the gentleman from Philadelphia by saying that the Republican administration was able to keep its promises not to increase taxes even though the Democratic Party said it was not possible. As far as concerns the gentleman who has just quoted figures from a national periodical, there is one thing in the record that ought to be corrected that is the question of increased cost of administration of relief to which reference was made by the gentleman from Monroe, Mr. Achterman. The facts concerning that are these: in 1938 the cost of administration was 8.2 percent; in 1939 8.3 percent. That included all the additional features of the Pearson Act and the milk orders, and so forth.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and wer as follows, viz:

YEAS—197

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | Levy, | Sarge, |
| Ackermann, | Downey, | Leydic, | Sarraf, |
| Allmond, | Eckels, | Lichtenwalter, | Schrock, |
| Alspach, | Ely, | Lovett, | Schrope, |
| Andrews, | Ewing, | Lyons, | Schwab, |
| Atkins, | Falkenstein, | Madden, | Self, |
| Auker, | Finnerty, | Malloy, | Serrill, |
| Baker, | Fisher, | Marr, | Shaw, |
| Balliet, | Fiss, | McClester, | Shearer, |
| Balthaser | Flanagan | McGarrity, | Simons, |
| Bardes, | Fleming, | McKinney, | Skale, |
| Bennett, | Foor, | McLane, | Sloan, |
| Bohn, | Freed, | McNally, | Snyder, |
| Boles, | Fullerton, | McVay, | Sollenberger |
| Boney, | Furman, | Melchiorre, | Stambaugh, |
| Boorse, | Gates, | Mihm, | Stank, |
| Boose, | Gillan, | Montgomery, | Stewart, |
| Bower, | Gillette, | Mooney, | Stockham, |
| Boyd, | Goll, | Moran, | Sweeney, |
| Brancato, | Hobbyshaw, | Moser, F. S., | Tahl, |
| Bretherick, | Haines, | Moser, J. L., | Tarr, |
| Broad, | Hall, | Muir, | Taylor, |
| Bronson, | Harbeson, | Munley, | Terry, |
| Brown, H. S., | Harkins, | O'Brien, | Thistle, |
| Brown, S. W., | Haudenshield, | O'Connor, | Thompson, E. F., |
| Brunner, | Henry, | O'Dare, | Thompson, G. R., |
| Burns, | Hess, | O'Keefe, | Tiemann, |
| Burris, | Hewitt, | Ominsky, | Trout, |
| Cadwalader, | Hindman, | O'Neill, | VanAllsburg, |
| Calvin, | Hocke, | Peacock, | Van Belle, |
| Carpenter, | Hoffman, J. N., | Peale, | Voorhees |
| Check, | Hoffman, S. K., | Powers, | Wagner, |
| Chervenak, | Holland, | Preston, | Walsh, |
| Christler, | Hoyt, | Readinger, | Watkins, |
| Clark, | Huntley, | Reagan, | Webster, |
| Clearwater, | Imbrie, | Reese, D. P., | Weiss, |
| Cohen, H. B., | Irvin, | Reese, R. E. | Welsh, E. B., |
| Cohen, R. E., | James, | Regan, | Welsh, M. J., |
| Cook, | Jarolanio | Reynolds, | Westrick, |
| Cooper, | Johnston, | Rhodes, | Wilkinson, |
| Cordier, | Jones, | Rider, | Williams, |
| Corrigan, | Kenehan, | Riley, | Wilson, |
| Cortese, | Kilroy, | Robertson, | Winner, |
| Curran, | Kline, | Rooney, | Wood, H. M., |

| | | | |
|---|---|---|---|
| Dalrymple, | Knoble, | Rose, | Wood, L. H., |
| Denman, | Kowalski, | Roseberry, | Wood, N., |
| DeNote, | Krise, | Rosenfeld, | Woodside, |
| Dick, | Lee, | Rothenberger, | Yeakel, |
| Dix, | Leisey, | Royer, | Turner, |
| Donahue, | | | Speaker. |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2, entitled:

An Act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, with the indulgence of the House, at this time I am going to discuss briefly all the transfers, particularly as they relate to the appropriations which are to be made during this session of the legislature.

In the first place let me remind you of a fact which I think most of you already know: in Pennsylvania we cannot make an appropriation unless we have something to appropriate against. In other words, the estimated revenues or income to the general fund for the biennium must be equal to, or in excess of, the total appropriations which are made against the general fund. That is a fundamental principle which we must keep in mind to understand the reason for the transfers and the reasons for our enactment of this transfer of legislation at this session of the Legislature.

The bill which we just passed appropriates $71,850,000 for assistance in Pennsylvania. We also have a bill which will appropriate $245,000 for the special session or as much thereof as is needed. We hope that not all of it will be needed. Also the appropriation of one million dollars for aid to distressed school districts. There is also contained in one of the bills an increase in the appropriation to the Joint State Government Commission of thirty-five thousand dollars, which makes a total of $73,130,000. Before we can appropriate that amount it is necessary for the general fund to not have in it, but there must be provision made in that general fund, to the amount of at least $73,130,000. Now, how that is to be made up is provided for in these transfer bills and in a few other ways to which I will refer in a minute.

Let me say again that this picture must be drawn for the entire biennium. In other words, the total amount of revenue or income as estimated for this biennium, or any other biennium, must equal the amount of appropriations or be in excess thereof, and if that is not the case then the appropriations to the hospitals, schools and other similiar institutions will be reduced or wiped out. In order to raise this $73,130,00 which we are appropriating at this time we are proposing to transfer from the motor license fund thirty-seven million dollars; from the state school fund two million dollars; from the liquor license fund $7,250,000; from the fire insurance fund $2,300,000; from the liquid fuel fund $11,000,000. That makes a total transfer provided for by these bills at this session of the Legislature of $59,550,000. Now, the various Departments have suggested that they will be able to carry on the functions of their Departments after an experience of one year on $2,847,000 less than it appeared they would need to carry on the functions of their Department when the budget was made up and when the Legislature was in session in 1939. The General State Authority rentals at State College as a result of the buildings not being turned over as early as it was expected they would be, are reduced by one hundred and ninety thousand dollars, that is money for which we did not have to pay rent because the buildings were not ready for occupancy at that time.

The same thing is true in other General State Authority buildings to the extent of $1,382,000. These three items together represent a reduction in the amounts which were appropriated in the 1939 session of $4,419,000.

Another bill provides for the appropriation from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund in the sum of $1,500,000. That is not a transfer to the general fund, but a payment into the sinking fund later on, which would otherwise have been made by the general fund, will not be made. That will leave a sum in the general fund of $1,500,00 against which appropriations can be made. After the experience of one year, as has been done on other occasions, the Department of Revenue has carefully gone over their estimates and finds from this experience that their estimates of revenues were too low and they have increased those estimates as to the general fund in the sum of seven million dollars.

There were appropriations prior to this biennium that will lapse. That amount was estimated during the session of 1939. Instead of the amount which it was then estimated would lapse, it has been discovered after a year's experience that it will be possible to lapse nine hundred thousand dollars more. All of these figures added together make the sum of seventy-three million three hundred and sixty-nine thousand dollars, against which appropriations can be made. Bills for making appropriations in this session total seventy-three million one hundred and thirty thousand dollars, and that leaves the sum of two hundred and thirty-nine thousand dollars available for payment of interest on tax anticipation notes.

There is one thing that should not be confused with this picture, and that is the fact that in order to provide for the transfers as we do in these bills the money must be in the fund at the present time and must be frozen at the present time. If you will read these bills you will note that they authorize the transfer; they do not actually make the transfer of the cash from one fund to the other, nor is the sever million dollars increase in actual revenue actually in the fund. That is the amount which is estimated will be in the fund over and above that which was estimated would be in the fund on May 31st, 1941. I do not mean it will be in the fund at that time, I mean it will be available prior to that time, come into the fund prior to that time.

In the last session of the Legislature we passed an act known as the Tax Anticipation Note Act in which we authorized the floating of one hundred and seventy-five million dollars of tax anticipation notes. There were two issues floated against that, one of one hundred million dollars and one of thirty million dollars, so that it is pos-

sible to use that Act for the floating of tax anticipation notes to the extent of forty-five million dollars additional. It is expected that at least thirty and possibly forty million dollars' worth of tax anticipation notes will be floated or issued to be sold sometime between this date and the middle of September, depending on the time the actual cash is needed for the general fund.

Again let me remind you not to confuse the picture of that which we can appropriate against during the entire biennium and that which is actual cash in the fund.

As far as the motor fund is concerned, and that is the bill which is now before us, this is what will happen: in the first place, the Secretary of Highways estimates that upon the face of the estimate of income to his department as made by the Secretary of Revenue, there would be in cash in the motor fund on May 31st, 1941, between thirty and thirty-one million dollars. The Department of Revenue as a result of the experience of the first year of the biennium says that the amount of estimated revenues for the biennium coming into the Motor License Fund was too small, and that from the experience of the first year that amount can be increased by six million dollars. In other words, on the picture as given by the Secretary of Highways, and the basis upon which he made the calculation, the amount which will actually be in his fund or in the Motor License Fund on May 31st, 1941, the last day of the biennium, would be in excess of thirty-seven million dollars. Where will that money come from? There is at the present time in the fund forty-one million dollars. When we make this transfer that does not mean that that forty-one million dollars which is now in the fund must be frozen and will not be used for highway purposes. That money which is in the fund will be used for highway purposes, but next January, February, March and partly April, the money from Motor Licenses and Operators Licenses will come into the Motor License Fund and again next year at this time, even though we spend all the money which is now in the fund, there will be there a sum in excess of forty-one million dollars because it will come in next spring. This is the plan: tax anticipation notes will be floated sometime between now and the middle of September. That will secure the cash which will be necessary to carry on the functions of the government, including appropriations for relief, for a considerable length of time. But next year, in May, it will be necessary to pay off those tax anticipation notes. There must be money in the general fund for that purpose, and there will be, as I have said it before, under estimates an excess of thirty-seven million dollars which can be used to pay off those tax anticipation notes. What is going to happen? The money that would not be used in the Motor License Fund will be taken out of that fund next spring and will be used in the general fund to pay the tax anticipation notes and to make the general fund budget actually balance for the biennium. Then in June, when the new biennium begins, new anticipation notes will be floated, probably in the sum of one hundred million dollars, as has happened already in the last few bienniums, and the money will be available for the general fund to be immediately repaid to the Motor License Fund, and under the Act will have to be repaid to the Motor License fund. The money that would be in the motor license fund in May of 1941 would not be used until the Summer. It all comes in at one time, but the money is not used at one time. The construction work is spread over the entire season. June, July, August, September and October, so when the sums are repaid as they will be in June of 1941, the money will be in the motor fund which would have been there anyway and will be used for the roads in accordance with the regular program of the Highways Department. The Secretary of Highways has definitely stated that the transfer bill which we will pass today, and the appropriation of these funds will in no way interfere with the carrying out of the normal program of the Highways Department as it would be carried out if these transfer bills were not passed. The reason he has made that statement, the reason he can make that statement, is because of the situation which I have attempted to explain to you. The reason that the amendment which the gentlemen on the other side introduced to these bills is ridiculous on its face, is this: if we had the money on May 31st, we would not need to make any transfer because we could appropriate against it, we would not need to make any transfer at all. It would be foolish to consider making any transfer if the money to repay it would not be there on May 31st, but the money will be there on June 15th, and you can repay it. You will have it. So that the amendment which was offered yesterday to the effect that the payment should be made on May 31st, 1941, is absolutely ridiculous on its face, and it would be the only possible way of preventing this payment. I am merely calling your attention to that fact as we go along.

I think under these circumstances you can realize that the promise which the Secretary of Highways has made to the people of the Commonwealth of Pennsylvania, particularly the motorists—although I do not like to refer to the motorists as separate from the people of Pennsylvania because nearly every person in Pennsylvania is in one sense or another of the word a motorist, so that when we refer to motorists naturally we refer to the people of the state of Pennsylvania, and when we refer to the people of Pennsylvania we refer to the motorists with very few exceptions—will be kept. I am sure they are only interested in the fact that the program of the Highway Department will continue. The Secretary of Highways has made the promise that the program will continue just the same as if this transfer had not been made.

I have attempted to show you the method by which the transfers will be made, that it is an actual fact, and will be carried out.

Mr. ACHTERMAN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, can the gentleman from Dauphin tell me whether he has been advised by the Treasury Department or the budget officer as to any actual increase of revenues over the estimated revenues?

Mr. WOODSIDE. Mr. Speaker, under the law, the Secretary of Revenue makes the estimates of revenues. The General Assembly or the State Treasurer does not make the estimates of revenue. The Secretary of Revenue has certified the budget office over his signature of his increased estimates of revenue, and wherein those increases are expected to be received. I have seen a copy of that letter. I do not know how the Secretary arrived at that in detail. It is a complicated matter; it is a matter in which many factors are involved. It will depend a great deal upon what his estimates were during the last session, how they

were arrived at, and how the estimates were arrived at during this session.

Mr. ACHTERMAN. Mr. Speaker, has the gentleman from Dauphin been advised that there have been any increases up to the present time, not estimates, but actual increases?

Mr. WOODSIDE. Mr. Speaker, I do not know what the gentleman means by that statement. I do not have the figures as to what each estimate was, at least I do not have them here on my desk, as to what each estimate was during the last session or what the entire income up to the present time has been. Of course that picture, unless you know all the factors which enter into it, would not mean anything. There are so many factors which enter into the question of making up an estimate of revenue, which are technical matters and it involves a study of many days and consideration of many different factors to determine what the probable amount of revenue will be. It is an estimate, of course. Nobody can tell with certainty what the year will bring forth. Nobody can tell with certainty what the estimate of revenues will be. I do not have the figures of the exact amounts which have been brought in by various taxes in the first year, if that is what the gentleman is asking for.

Mr. ACHTERMAN. Mr. Speaker, I assume then that the only information that the gentleman from Dauphin has relative to increases are pure estimates.

Mr. WOODSIDE. Mr. Speaker, they are legal estimates. They certainly are estimates but they are legal estimates because the law puts the responsibility upon the Secretary of Revenue to make the estimates, he is the one who determines what the estimates shall be. As a result that is what we have to go by, and that is what we have always gone by. That is what you went by in the regular session, and that is what all of the previous legislators have gone by.

Mr. ACHTERMAN. Mr. Speaker, it is not my intention at this time to discuss all the transfer bills but only the one before the House. I will, however, discuss the mechanics of the transfers and the method of financing that was referred to by the gentleman from Dauphin.

You will note, for instance, that he proposes taking thirty-seven million dollars out of the Motor License Fund. Of course, he states, and no doubt accurately, that those thirty-seven million dollars will not be taken out now but later. He states that you will get the use of the thirty-seven million dollars by issuing tax anticipation notes. Then in the spring after the Motor License fees come in you will use that money. In other words, you will then transfer the money from the Motor License Fund and in turn use the money to pay off the tax anticipation notes. You can readily see what is going to occur.

I shall show you later exactly where you are going, so far as present funds are concerned. It will mean this, you will have no money available for your spring operations in 1941. Then of course he goes on to say that we will get the money back, we will issue some more tax anticipation notes. But upon what basis are you going to issue tax anticipation notes in 1941? Certainly those notes must have something in back of them, these new notes that he speaks of now. The remaining forty-five million dollars that you have authority to use are going to be issued upon the anticipated revenue from your Motor License Fund, but those new notes must be issued on some expected revenue. When I say expected revenue I mean revenue that will be produced under our statute laws. That will mean then, gentlemen, that you are going to have to face the problem which you do not have the courage to face to-day, for then you are going to have to levy new taxes. That is the time when you are going to pay the fiddler.

Mr. Speaker, very honestly the Democratic party is most interested in being helpful to the Governor and the people of Pennsylvania; it is to our advantage to be helpful. We are limited, as other speakers have shown you, by the call, and we can only proceed upon the things that we find within that very limited circle in which he has confined us. I cannot understand why he did it and I want to read from his Inauguration address the following;

> "During the campaign repeatedly I pledged myself to restore the tri-part form of government divided by the constitution into executive, legislative and judiciary.
>
> "I reiterate my pledge of not permitting the executive hand to interfere with the functions of either of the other two branches. I ask and shall accord full cooperation with those branches, to the end that the best interests of the whole people may be served.
>
> "For the past few years we have seen executive interference and domination of the legislative and judicial branches carried to a point which put us on the brink of disaster. That practice here and now comes to an end, so far as Pennsylvania is concerned."

That is what he said in 1939; that is what he promised the people of Pennsylvania immediately after taking the oath of office. This today is what he has done in pursuance to the fulfillment of that oath. We naturally took him at face value when he told us in his speech on Monday evening about the money he had available. Understand he said "had available". It was for that reason we wanted to reduce the amount of money he was seeking here from the Motor License Fund.

I appreciate that Mr. Woodside has told you how he arrived at those figures that were available, when as a matter of fact they were not available. They were very much like the man who does not smoke, who states how much money he has saved because he has not smoked and when you ask him, "Where have you got the money that you have saved?" he will say, "Oh, I don't have it, I used it". That is where we find the Governor who is bragging to the effect, "I made this money available for relief". Actually the Governor has not been the fearless and brave soldier that he said he was going to be. Of course I presume he has reasons, for if he was fearful of nothing so long as his duty was performed, he would frankly come before you and tell you, "Well, our cupboard is bare as far as relief money is concerned and we must have more money and in order to have it we must have more taxes". I realize also that the Governor's reason for not doing that is also equally evident and apt. I realize that the Governor, casting an eye towards the White House, would not within a month prior to the nominational convention, for one second tell the people that he needed more taxes, especially after having made the pormise to the people that he would levy no more new taxes, but the inequity of the entire plan that he is proposing here lies in the fact that eventually and finally the Motor License money will be completely diverted from the use of the highways fund for which it was intended.

May I read into the record an expression of the Grange as to such diversions, and of course, this is speaking also for rural Pennsylvania. This is the Grange article:

" 'Opposed to any and all efforts to divert any part of motor license and gasoline tax funds from the highway construction and maintenance work,' so declared the delegate body of the Pennsylvania State Grange at every annual session since 1930. The Grange has always contended that the motor license fund must remain intact and the money be used for the purposes for which the tax is intended. The motorist has always been willing to pay the tax, if the tax so levied is spent in road improvement. There can be no argument but that the gasoline tax has brought about good roads, and that these improved roads or highways pay dividends in two ways—first, they reduce car driving costs, through less gasoline consumption, tire wear, depreciation and repairs; and, second, lower road costs to the community and the State that result from savings in road construction and maintenance.

"Originally, we had only the license fee as a means of collecting revenue for road construction, the returns were too limited, and the gasoline tax was devised as a means of raising funds for maintenance and construction. The gasoline tax idea is not new, but the principle is as old as the centuries, for down through the ages it was held that people should pay for road usage through tolls. Therefore, the license fee and the gasoline tax were created for the express purpose of building highways, that never could have been financed by our property tax.

"As property owners, we pay special taxes for schools, roads, water, electric and other service, and we would object vigorously to the use of such money for highways or streets or any other purpose that might impair the services for which we pay. There is no more reason why motor taxes, paid in good faith for highway construction and maintenance, should be used for schools, doles or other government functions. Besides diverting any part of the gasoline tax for general government costs places an excessive burden on one class of citizens while such expenses should be carried by the general public.

"The property owner in Pennsylvania has one hope for reduction of his road tax bill if the gasoline tax money is kept intact, in fact, we will venture that it is about the only place where we may expect tax reduction.

"The danger of diversion lies principally in the fact, that the average person has not been aroused to the danger ahead. Diversion of motor taxes means very little to him. However, it must be noted that more than one-half of our roads are still muddy and dusty. Many State roads built originally are in need of reconstruction, to say nothing of county or secondary roads, containing one-fifth of all our highways.

"The township and local roads with which we are largely concerned carry about one-tenth of all rural traffic and their chief benefit is for the people who live along them. They have always been maintained by the property tax, and the Grange policy is that the State build and maintain these as well as all highways of the Commonwealth. It is safe to predict that a diversion of motor funds to other governmental agencies must mean curtailment in this particular field. These local roads are the feeders to the State and county routes. These roads carry traffic interstate in addition to local traffic and it is incumbent upon the Commonwealth to give them the attention they deserve. The motor license fund is our only hope, and only upon the condition that it remain intact can we expect to be relieved of the burden of road taxes.

"The proposed Special Session of the Legislature to meet early in May will be obliged to raise an amount of revenue variously estimated from $40,000,000 to $70,000,000. In the efforts to find money through additional taxation, there is grave apprehension that an effort will again be made to raise the tax on gasoline and divert part of that tax for relief and other governmental purposes.

"The Grange and other organizations interested in public welfare, and especially in the highway system of Pennsylvania, will be forced to oppose with all their power the diversion of motor license funds, if such a course be undertaken by the Special Session of the Assembly.

* * *

"We would suggest for the consideration of the Special Session of the Assembly that there be no diversion of the motor license money, and that the first steps be taken to reduce the cost of government, reduce the cost of administration of relief, turn the course from centralization of power to decentralization of government, permitting counties and local communities to assume burdens that naturally belong to them, thereby reducing many of the present high costs of State government."

That was the Grange policy in 1936 and nothing has occurred since 1936 to change that policy, except, of course, we have had many interests requesting everybody to send us letters. That is the only difference between 1936 and the present time. Their prophecy as to what would happen to the roads can be clearly pointed out and what you are doing now can be clearly pointed out.

May I show you what has occurred in Pennsylvania? May I take the period from May 1, 1938 to April 30, 1939, which is the last year period of the Earle administration. Remember that the Motor License funds are used in the main for maintenance and new construction work. During the last year of the Earle administration there was spent thirty-nine million dollars. For the first year of the James administration, May 1, 1939 to April 30, 1940, there was spent twenty-eight million dollars, a difference of eleven million dollars. You men gave me that confidence, of course, without any intention that it should be treated in strict confidence, and have complained not only to me but to every other one of your colleagues about the disgraceful condition of the highways in Pennsylvania, how disgraceful the conditions were, how disgraceful the entire maintenance of the roads was for traffic during the winter months, and what condition they are in today. Of course there is your explanation of why that condition exists at the present time,—the failure to spend eleven million dollars, which would have made the difference and you would have had highways with which you would have been satisfied. But remember if you divert you are going to have a continuation of just that disgraceful condition. You are not only going to have a continuation of it but you are going to be faced with the proposition that instead of making new highways you are going to turn around and reconstruct highways. That will be far more expensive and will require more money and you will have no explanation, no excuse that you can give to the people as to why you permitted or why you tolerated your main highways to fall into such a bad state of disrepair.

The majority leader stated that there was in the Highway fund at the present time forty-one million dollars. With that statement we have no quarrel, but he did not tell you that at the present time you have incomplete contracts totalling $10,867,748. Those are contracts that have been awarded, contracts under course of construction, money that must be set aside to meet them when the road is completed. There goes ten million of your forty-one million dollars. He did not tell you that you have certain operating costs that total approximately fifteen million dollars a year. Incidentally that includes the money to cover interest and sinking fund requirements, and incidentally it covers appropriations for the Pennsylvania Motor Police and the Department of Revenue for

the operation of motor vehicles. There goes another fifteen million dollars. That is twenty-five million dollars out of your forty-one million dollars. You are cut down now to sixteen million dollars. For what? For maintenance? Would you like to have it? You have twenty-eight million dollars and you complained. What will you do with sixteen million dollars? What about new road construction? You will have no new road construction. It will take every penny that you will receive between now and May 31 of next year to manage in some way to try to stagger along and then when you come to June 1, 1941 you will be entering into the year with a bare cupboard in highways as well as in relief.

The sole question before us today is whether, though the Governor is not brave, is not frank, is not honest enough to face the issue, the question is whether we are going to tag along with him or whether we are going to say to him, "Mr. Governor, we have come here to do a job, it may be distasteful, it may be unpleasant, we appreciate the fact that you desire to be President of the United States, we appreciate the fact. however, that our first interest and your first interest should be the people of the Commonwealth of Pennsylvania; we are here to do a job, will you give us sufficient room in which to do that job?" It is for that reason that I am asking not only my colleagues but you members on the opposite side of the House to vote no on this bill.

Mr. ANDREWS. Mr. Speaker, I thank the Speaker for the privilege of being on the floor instead of some member of the opposition, at whom I saw the desk cast a quizzling signal to sit down and not talk. I think that is a very good idea on the part of whoever is running the present proceedings, to give a signal not to talk to the gentlemen on the other side who desire to talk, because on this particular subject they really have so little to say.

You have heard the majority leader explain his program on "put and take." It is in, it is out and it winds up with tax anticipation notes, and then it is in again. The only trouble is that he may know it, and the highly intelligent constituency on the other side may know it, but His Excellency the Governor does not know it because I distinctly recall that in his eloquent and highly confusing address delivered before this body the other evening, the Governor did not talk about funds that were in and out and that jingled so merrily that they had to be bright. He talked about money that was hanging around so long that it gathered dust. If you can watch the way the dollars travel under the explanation of the majority leader and you can see any dust on any one of those dollars after they have traveled that fast, I would like to have that explained.

What is the minority floor leader pulling at my papers for? I am making this speech. (Laughter).

Mr. Speaker, you are entitled to your opinion as to whether they are laughing with me or at me.

The SPEAKER. The chair is of the opinion that they are doing both.

Mr. ANDREWS. Well, Mr. Speaker, that is pretty good for a start. However, here is what His Excellency the Governor said to us:

> "Preliminary steps already are being taken, I am informed, for the highway work to be done in the summer of 1941. But this program is distinctly part of the next biennium. The money for it will not be needed until June, 1941, by which time it will have been repaid out of general funds. Let me say again, whether this money gathers dust in the highway fund or is permitted to do a job of work for the relief rolls, it can be of no service to the highway program until after the date set for its repayment."

Now, His Excellency the Governor was not talking about money that did not exist; he was talking about money which according to his notion was gathering dust somewhere. So I would say to the majority leader that he ought to wander over to the Governor's office and acquaint the Governor with his highly interesting "put and take" diplomacy of state highway finance.

I quote further from the Governor's message to the special session:

> "It is because this money lies idle for a period of months that from time to time various administrations have borrowed from this fund."

If that is not "idle money," I don't know what the language means. It is not my business to referee a difference of opinion, a difference of policy, between His Excellency the Governor and the majority leader but very definitely there is a misunderstanding somewhere along the line.

In summarizing the drains upon the highway funds, the distinguished gentleman from Monroe omitted to enumerate one highly important item.

In estimating the moneys needed in the Motor Fund during the next fiscal year, attention should be given to the Federal aid program which is set up to provide $10,325,800 for the construction of major highways and connecting links during the Federal fiscal year, July 1, 1940 to June 30, 1941.

Pennsylvania, in order to be in a position to participate in this program, must have available moneys sufficient to cover this entire outlay since, although the Commonwealth is reimbursed for one-half of this total payment, it must make the entire payment, before being eligible for reimbursement by the Federal Government.

Now, if the minority leader is even half right in his estimates upon the drain that will be made upon available moneys, there isn't money for that program. We haven't heard anything on the floor of this House assuring us that there is money available for that program.

I am a little skeptical of promises and of figures concerning money. It is very interesting to know that in one of his addresses made July 22, 1939 His Excellency the Governor, discussing the conduct of the state government, said:

> "Let me give you the figures. When I took office there were on the payrolls of the departments under the Governor's direct control a total of 12,528 persons. They were drawing salaries totalling $21,600,000. As of July 1 this number had been reduced to 10,424 persons and a payroll of $17,800,000.
>
> "One person in six has been fired because there was no excuse for his being on the payroll, and one out of each five dollars of your money being spent in this manner was saved."

That is one side of the picture. The figures compiled by His Excellency's budget officer are that the grand total of governmental operations other than subsidies, the cost of government under the control of the Governor in the 1937-1939 biennium was $75,558,000 plus, and the cost in the 1939-1941 biennium is to be $76,078,000 plus. So, after firing one person out of six, after having made these drastic reductions in the payroll, we have these figures of an increase in the absolute cost of government.

That may not be germane to this particular bill but it is germane to the discussion that has been presented before this House, and is also germane to the pledge contained in the Republican platform, and by the way, the original copy happens to have been written in Johnstown, and I will refer that for verificatin to the majority leader, as to whether or not the platform upon which Governor James ran was or was not originally written in Johnstown. It says:

> "We pledge pensions to the aged and the blind and ample financial assistance to the needy mothers, and the handicapped. We further pledge an honest and prompt administration of all this assistanse free from political favoritism.
>
> "We pledge ample relief to the unemployed free from party favoritism and political macing, and we pledge cooperation with the WPA and other similar government projects until private employment is restored. We believe in the principle of government responsibility for the destitute unemployed. To the unemployed we say: 'We will not let you down; we will lift you up!'

That is a good phrase, no matter who coined it.

Mr. Pinchot left us a thirty-six million dollar deficit. George Earle came into office and he told the people of this state, "My, what I could do for the people if I just were not loaded with that terrible deficit, but what can you expect when my administration has got to carry on and pay for these dead horses of the previous administration." George Earle came in accompanied by numerous distinguished and able triumphant democrats. He operated and he left an alleged deficit estimated at that time by the majority experts as being in the neighborhood of fifty-two million dollars, but being persons with vivid imaginations in discussing that deficit they ran it up all the way from fifty-two million to in the neighborhood of seventy million dollars. Nobody knows yet whether it is fifty-two or seventy million dollars.

His Excellency the present Governor, just like George Earle, said: "My goodness, what I could not do for the people of this Commonwealth if it wasn't for this Earle deficit, it is just a milestone around our necks, but you are going to see what I am going to do. Under Arthur James there isn't going to be any deficit, we are going to run this thing through the wringer, we are going to economize and standardize and coordinate, we are going to give you government." All right. We are in the first part of the first biennium. What do we face? We face a seventy-one million dollar deficit which, at the rate of present expenditures, must be at the end of the next fiscal year at least a minimum deficit of one hundred and twenty million dollars.

Gentlemen, how long can you continue that kind of financing? You can continue that kind of financing only up to the point where your deficit equals the full amount of the tax anticipation notes that you can issue against unencumbered revenue. When you run the deficit up to the point where it equals the amount of tax anticipation notes you have only two courses open; you either have to refuse to repay the money you borrow from the various special funds or you have to enact new taxes because you cannot absorb one hundred and twenty million dollars or one hundred and fifty million dollars by cutting subsidies, or by curtailing the cost of government; you cannot absorb that amount of money. So, what we are doing is just exactly what has been done since Pinchot's day; we are trying to rig the present abuse and responsibility on to tomorrow in the hope that maybe the other party will inherit the dilemma. I opposed this kind of a program when Pinchot was Governor. I can speak freely because I opposed this kind of a program when George Earle was Governor. You sit over there, gentlemen, complacently, and watch the sin, financial sin, financial error committed by the Earle administration, according to your own denunciation at the time. What is there that you yourselves have not committed? You took the Earle scheme of taxation, special sale taxes and all, one hundred per cent. You have taken the tax anticipation program, a scheme designed, to my way of thinking, to frustrate the intent of the constitution, and to take the great state of Pennsylvania off of the tried policy of "pay as you go." We point an accusing finger at the forty-five billion dollar obligations incurred by the federal government at Washington. We say to those who criticize that is the easy way, borrow, borrow, borrow and forget the time when they must pay. Yet within our narrow scope, within the sphere of our influence, we are doing exactly the same sort of thing they are doing in Washington, that is delaying the evil day. We won't pay it now, we will hope for a miracle, we will pass it on to tomorrow, we won't be honest and collect the money that we feel we must of necessity pay. I tell you when government itself ceases to be honest we face a lamentable moral condition. Tax anticipation notes, transfers from special funds is not sound financing, it is not sound morally, it is political deception. That is one virtue that I will give to George Earle and those who were with him. At least when he diverted he levied taxes to pay the bill, except that portion that ran slightly over. You should follow in those exact footsteps. I say, as the gentleman from Westmoreland has said, "Don't do it, gentlemen, don't do it. Some day the people must pay or the state reputiates. Begin, and begin now, the same sort of policy that you pursue in your private business affairs, and if you must needs spend money, collect the money you spend, be honest with yourselves and be honest with the people and pay as you go.

Mr. HARKINS. Mr. Speaker, my colleagues have spoken in general terms about the principles involved in these transfers. I am going to speak to you in particular as to how this program will affect the district from which I come.

In my legislative district I have three problems of road repair and maintenance which have been brought to the attention of the Highway Department. One of these was brought to their attention in December, 1938. The other two were brought to the attention of the Department in December of 1939. It was ascertained that one of these items was not properly a matter for the state Highway Department to take care of and I am not criticizing the Department for its failure to take that item into consideration. But the other two items are properly within the sphere of the activity of the Department of Highways of the Commonwealth of Pennsylvania. One of these was the repair of State route No. 02185. This particular route is a secondary state highway and all I have been able to succeed in getting from the Department of Highways is now and then a courteous letter telling me that they don't have any work program for this particular road. It is true that the state Secretary of Highways will refer my communication to the district engineer and I will get a letter telling me that sometime in the future I will hear of the recommendations of the district en-

gineer. This particular road is a road that lies entirely within the borough of Munhall in which I live, and it is controlled by an administration of the opposite political faith than myself. But it is not a matter of politics; it is a matter of safety to the people who are forced to use this road. It is a narrow, twisting hillside road, which is traversed also by pedestrians, and along the road the course that pedestrians have to use the state refuses to supply the proper kind of sidewalk facilities, so that it is dangerous to pedestrians from the standpoint of the heavy automobile traffic. It is dangerous to people who ride in buses because the road leads from a river level to an elevated hill top, about four hundred feet above. I read yesterday, in arguing my motion to recommit this bill to the Highway Committee for the purpose of a public hearing, a statement from the chief engineer of the Department of Highways in which he admitted that the Department of Highways did not have sufficient funds with which to plan a secondary road program. It seems to me self-evident, therefore, that when the chief engineer admits that the Department has not been able to properly plan a program, in fact does not have any secondary road program except the WPA program, then I say to you it is impossible for me to understand how a further transfer will not further limit and restrict the activities of the Department of Highways. In fact I see in the future no opportunity for this particular road to be repaired because the department itself recommends a new construction on the opposite hillside from the side of the hill on which this road is now built. But when the Department is requested to plan a WPA program for this particular road the Department throws up its hands in horror and says the program is too large for a WPA road. In other words the total result that you obtain is simply a courteous exchange of letters with no help for the particular problem at all. The borough of Munhall through its borough secretary, has informed me that the borough officers are ready to assume their proper share of the damages that will be placed upon the borough for the construction of a new road. Sooner or later it is inevitable that serious accidents will occur on this particular road and that a heavy bus loaded with people will go over the side of the hill where there is no retaining wall, no cables and no posts to prevent it. Serious accidents have been very narrowly averted on several occasions. I say when this occurs the Department of Highways will be responsible morally for any injuries or deaths that occur.

In my district there is also another road, and all the members here from Allegheny county I think are familiar with what is known as the death curve trap on the Kennywood-Duquesne Boulevard, about three quarters of a mile above the Rankin bridge and about a mile away from Kennywood Park itself. This boulevard is traveled very heavily, especially in the summer months when the amusement park at Kennywood is operating. As I informed the House yesterday, during the year of 1939 up until December 16 of that year there occurred sixty different wrecks at this one particular curve. These wrecks involved one hundred and seven automobiles. And these wrecks caused injuries to sixty-two different people and caused the death of five. From the neighboring city of Duquesne I have received communications which I am not going to read, but which I am going to place in the record as to the names of the organizations, because one of my distinguished colleagues from Allegheny and who sits on the opposite side of the House, yesterday informed me that there was no officer of any automobile club, there were no people in Allegheny county who were dissatisfied with the condition of the state road at this time.

I have a letter from the Borough of Munhall which endorses the elimination of this death curve trap on the Kennywood-Duquesne Boulevard. I also have a letter from the city council of Duquesne, and I might say that one of the councilmen of the City of Duquesne, namely Mr. Frank Kopriver, who is very much interested in this matter, is an individual who happens to be a member of the Republican Party and elected as such. The American Legion of Duquesne is in favor of the elimination of this death curve trap. The Servian Progressive Club of Duquesne, Fort Duquesne No. 871 of the Catholic Daughters of America; Duquesne Library Club have written me regarding the elimination of this particlar curve. The Foremans' Club of the Duquesne Steel Works, many of the members of which club are required in traveling to their work to use this dangerous highway, have written to me and asked that the matter be properly brought to the attention of the Department of Highways. There are numerous other groups. I have a letter from the Ancient and Illustrous Order of the Knights of Malta of Duquesne, the Duquesne Golf Association, the Women's Club of Duquesne, the members of the Duquesne Firemen's Relief and Pension Association and the Homestead District Chamber of Commerce. All of these organizations are certainly not out of step with the times in that particular section. They are certainly non-political organizations. These people believe that at the present time their needs are not being properly taken care of by the State Department of Highways. So I say to you as members who have been elected to see that the State Department of Highways is functioning properly, that this diversion is going to put a limit upon and further cripple any program that the department may have planned so far.

I am doubtful, Mr. Speaker, whether there has been a real program planned for the coming year. It seems to be rather that purposely a curtailed program has been planned so as to enable this money to be taken wihout causing too much trouble among the majority members of this group. Yesterday I asked for the recommitment of this bill because I felt that we as individual members who wish to represent our constituency have every right to have any Department official come here and let us know in a responsible manner and in an authoritative manner what plans they are making for partciular districts. I say to you that I feel that the Department is at present shifting its obligations, it is evading its responsibility. It knows of these conditions, and doubtless in every district represented by every member here today there are serious situations like this which should be promptly taken up by the Department. I say to you if we had a hearing, and call on either the Secretary of Highways or his Chief Engineer, maybe we would sooner or later get some responsive activity in that Department. My attack is not upon a partisan basis; it is not partisan because the people whose lives are being endangered are affiliated with all political parties. Perhaps some of my colleagues from Allegheny here may be some of the people who may be injured in the next tragedy that occurs at that particular spot.

Mr. Speaker, while I regret that I was not able to persuade any of my colleagues to bring the Department heads into a hearing, sooner or later I believe that the dignity of this House of Representatives will be such that the De-

partment heads will be glad to come here, be glad to be present at the hearings and give us specific answers to our requests for consideration of the roads in our districts.

I regret that I am unable to vote for this particular measure because I feel there is no reason for us to be asked to vote for a measure which is only a sham, which is only a way out for an administration which employs a method of obtaining funds which is comparable to the way an individual uses when he writes checks on his bank account that he knows does not exist. These transfers without the courage to levy taxes sufficient to raise the funds that are being transferred, are merely substitutions, which are putting off the final day of reckoning.

For the reasons I have already set forth, particularly the fact that we all know that our road program will be curtailed, I ask the members of the House to vote against this bill.

Mr. SKALE. Mr. Speaker, when the gentleman from Cambria, Mr. Andrews, took the floor some of the members laughed at him. That reminds me very much of the advertisement which appears so often in the newspapers and magazines about the man who sat down at the piano, and they laughed at him, but after ten lessons they cheered, because I feel that the gentleman really delivered a very fine talk on the government of this administration. Also after listening to the remarks of the majority floor leader I was very much reminded of one of the sayings which has become a catch phrase today, made popular by one of the radio comedians, and that is "that ain't the way I heerd it."

In order that there may be no misunderstanding concerning my position with regard to relief program I want to say that I voted in favor of the passage of House Bill No. 1 which appropriates seventy-one million dollars for relief, despite the fact that I felt that the seventy-one million dollars still is not sufficient nor adequate to take care of the relief problem in Pennsylvania. The trouble, however, before this House is the method advanced by the Governor with regard to providing the funds. About two weeks ago we were advised of the necessity of this Extraordinary Session and we were advised of the purpose of appropriating more money for relief. This call came, despite the previous assurance of this administration, and by the Governor and his spokesmen, that the appropriation passed in the 1939 Session would be sufficient for the biennium. I am willing to admit for the sake of argument that the administration's intentions at that time were good but that its judgment was poor. Again we are confronted with a similar situation, only the judgment again is even poorer. It must be kept in mind, members of the House, that this debate should be above partisan politics. I ask you to approach this with an open mind. The Governor has suggested that this session be harmonious and brief, and I for one would have no objection if he had submitted a proper program. He says that the administration has the money it needs, but the "serious task" is not in raising new revenues but rather the serious task is in making the money we have "in sight" available for relief purposes.

Let us pause for a moment, members of the House, to give this some thought. The Governor asks for the appropriation of seventy-one million eight hundred and fifty thousand dollars for relief. I will not quarrel about that. Even though it is seventy-four million dollars I believe that that is insufficient to properly and adequately provide for the relief needs in Pennsylvania. But he has asked that certain funds be transferred from various sources to make up this amount. The Governor proposes merely to take the money we already have out of one pocket and put it in another. How can you take it from a pocket that has nothing in it? As the majority floor leader stated at the outcome of the debate on House Bill No. 2 now before the House, it will require at the next session of the Legislature that we take money from other pockets. I can forsee that the Governor will require a good many pockets at the next session of the Legislature, that as a magician he will have to pull nothing out of one pocket and put it in the other pocket. The Governor admits that the thirty-seven million dollars which he intends to borrow from the Motor License Fund is not there, that it will not be there until May 31st, 1941. In addition he estimates an extra thirteen million dollars in increased revenues, but where is there presented a reasonable basis for such estimates? The answer obviously is nowhere. For instance, the Governor estimates two and a half million dollars in liquid fuel taxes. In order to raise this money, members of the House, it will be necessary for automobile users to buy over an additional half billion gallons of gasoline during nineteen hundred and forty.

Now, I find a three and a half million dollar increase in the Motor License Fund through collections of fees for automobiles and operators' licenses. To raise this amount it will require more than three hundred thousand additional persons to buy automobiles in Pennsylvania and to acquire operators' licenses. We know the possibility of such revenue coming in from such estimates, because in answer to one of the interrogatories directed at the majority floor leader, he couldn't state the present increased revenues that a basic foundation might be laid for estimates in the future.

Now, what effect will all this have on your particular municipality? We know that in every municipal budget there is included a refund on the liquid fuel taxes. In Philadelphia for example, we received for road building and maintenance purposes for the period from December 1, 1938 to May 31, 1939 the sum of $519,421; and from June 1, 1939 to November 30, 1939, the sum of $599,926, making a total of $1,119,347. Now that money or an amount almost equal to that is due to the city of Philadelphia. By this bill transferring moneys which Philadelphia and other municipalities are similarly entitled to receive from this fund, you can see how your municipal budget will be affected. In addition to that, your own particular road building and maintenance of highways will also be similarly affected. We all know the difficulties encountered in Philadelphia in preparing a budget. It required the passage of an obnoxious wage tax which naturally fell on the wage earners. If you take away this refund and the refund from the liquor license fund which amounts to over $3,300,000, making almost $4,500,000 taken from the city's income, it means that the wage earners of Philadelphia will continue to "shell out" from their pockets an additional $4,500,000 to make up this loss. That is true if every budget in Pennsylvania being unbalanced by taking from them the fund which they are rightfully entitled to receive.

In Philadelphia the President of City Council was quoted in yesterday's newspaper as being amazed and flabbergasted. He says he does not know what would have to be done if this money is taken away. This is a serious matter, members of the House, for in every county this money which they are being deprived of will have to be made up somehow. The only possible way that the muni-

cipality will be able to get out of it is to increase taxation. There is the answer to the Governor, he is "passing the buck" to the municipalities. He knows that his program is not the proper one because he predicts that taxes are inevitable in his message to the Legislature. Transferring these funds which are not there is placing a mortgage against future income. Who is going to repay this money? There is no adequate provision as to how this money is going to be repaid.

I say therefore, members of the House, that this is poor legislation. You estimate that the money will be there. What if it isn't there, because your estimates are overestimated? Who will suffer? The unfortunates of Pennsylvania who look to us for aid. They will suffer and also the needy, the aged, the blind and the sick. That, members of the House, is why this program advanced to us by the Governor is a "phony" program.

Members of the House, I appeal to you and I ask you in all earnestness and sincerity, not to sit back supinely and permit a program which you know deep in your hearts and in your minds is improper and unsound. If there is any intestinal fortitude in you men, if there is any independence of thought and spirit, you ought to sit up and say to the Governor in a proper way, "Your Honor, this is not a proper program, this is not a sound program, this is not an adequate program." Then we can all sit down and prepare a program that is sound, that is adequate and you will not have opposition to such a program.

Mr. FURMAN. Mr. Speaker, it is rather disagreeable for me to have to look at this program in a little different light than many of my colleagues on this side of the House. We voted this afternoon to appropriate some money. I believe it is our duty to provide that money, and we have no alternative but to cast our vote for the bills that are on the calendar this afternoon. I for one am going to support the transfer of money as provided in House Bill No. 2. I will not support all of these bills but the reason I am supporting this bill is first to see that the state administration will have sufficient money to provide for the public assistance that is needed in the state.

The Governor in his statement the other night said that there was something more than sixty million dollars that would be available. By voting for House Bill No. 2 which provides for the transfer of thirty-seven million dollars, that is giving to this administration a fund greater than they say they need, and if they don't need it, they won't have to use it.

One reason that I am voting for this particular measure is because of the statement made by the Secretary of Highways and by other officers of the Department of Highways in which they say that the program of that Department will not be crippled. I hope that this is true. Personlly I can't see how it can be done but I am taking them at their word. Another reason that I am going to vote for this transfer is because the bill states that this money will be returned into the Highway fund before the 30th of June, 1941. I am saying to the majority members and to the administration now in power, "It is your solemn duty and pledge to return that money by June of 1941." In casting my vote for that bill, I am expecting this administration to do that very thing.

I do intend to oppose the transfer of moneys that are due other governmental departments, other municipalities. I think we are not being fair to the elected officials of this state when we take money from them that we told them they would have this year and which they expect to get, and by doing that I think we are going to wreck many local governments in the state of Pennsylvania and I think that it is a mistake to do that. For that reason, I am going to vote against those transfers. It is up to the majority here to repay this money. If there wasn't an emergency in the state of Pennsylvania, if there wasn't a necessity for this money, there never would have been a special session called at this time.

I think one mistake was made by this administration when they did not provide means at the present time to repay the money but that is something we cannot now control. We are faced with one problem and that problem is to provide money and I am now stating my reasons why I shall vote as I do on this bill. I hope this administration will consider this as seriously as it really is, and that when they do come back here as many of them will next January, the first action they take will be to repay this obligation, and raise the money and repay these various funds when they say they will be paid.

Mr. WOODSIDE. Mr. Speaker, I will be very brief and make reference to only one or two things. I do want to state, however, to all of the gentlemen who have spoken on the other side and who have critisized this program, with the exception of the gentleman from Greene, who has just spoken, that there are certainly only three things you can do in the situation we find ourselves today. You can stop relief, you can increase taxes, or you can make transfers. If you don't make the transfers and you don't stop relief, there is only one thing left and that is to increase taxation. So everyone who talked about sitting down and working out some other program must certainly mean that the only other program that could be worked out is the increase of taxes.

The gentleman from Cambria, Mr. Andrews, has suggested that by this program of appropriation for relief we have created in the budget a deficit of over seventy-one million dollars. I would like to call your attention to the fact that over thirteen million dollars against which we are appropriating is not money that will have to be repaid. Therefore the deficit which he has referred to, or the amount which will have to be repaid out of the next biennium is not the sum of seventy million dollars or close to it.

As to the argument about highway work, I can only say again what I said before that the work on the highways will be continued and that means that the work which would normally be done in the spring of 1941 will be done in the spring of 1941, in accordance with the schedule.

Mr. HERBERT B. COHEN. Mr. Speaker, I have not been very diligent in my attendance in the House so far this session, but I think everything that I could have said has been said not only in this session but very peculiarly was said at the general session in 1939. At that time if you will refer to my comments and the comments of the minority on the general appropriation bill and the tax program as instituted by the James administration, you will see from the record that the situation with which we are now confronted is identical with that with which we were confronted at the inception of the James administration. I say that because at that time I pleaded with the membership of this House as their solemn duty and responsibility to the people of the Commonwealth of

Pennsylvania and to the people who are going to receive the benefits of these so-called transfers, those on relief, to the various municipal governments, and primarily also to the taxpayers of the Commonwealth of Pennsylvania, that in 1939 our problem was to raise additional revenue, just as the problem today is the very same thing. Now, what have we done?

At the 1939 session, the membership of this House had neither the originality, integrity, financial ability, acumen or the desire to impose taxes; they had none of these attributes for one simple reason, namely, politics, and today we are again confronted with the same proposition. We are met at the inception of this session and told by His Excellency the Governor that we should be non-political, when this program which we are forced to swallow is born in political misconception. Today our problem is the same as it was in 1939, and today the only solution given by the majority is the same as that given in 1939, and that possibly all or most of us could stomach, but I am thinking not so much of the men who are here today, I am thinking of the responsibility that you are taking off your own shoulders and placing upon the shoulders of the men who will be in this House in 1941. I am thinking of the problems that the men who follow us will have to meet. I am thinking of the fact that when they come back in 1941, every available sum, every available security, every available penny, every available resource of the Commonwealth of Pennsylvania will have been placed in pawn, placed in hock, and in January of 1941, where will the membership of this House, where will the membership of the Senate, where will Governor James go to get the money to provide relief funds that will then be necessary? I know he says to you in his message, although I didn't have the extreme pleasure of hearing the Governor address the Assembly for the first time in his gubernatorial career, he says to you that we calamity howlers, don't know how long this money will last. He says to you, "I picked up five months in seven." He says to you that we don't know. I say to him he doesn't know and there isn't a man on that side of the House, or a man that sits here who knows how far the money that we are now making available for relief will go, but I do know this that you are right on the brink of disaster, you are taking the funds, yea you are taking funds that are presently not in existence; you are taking funds issued against those notes, those tax anticipation notes, against moneys that won't come in that won't be in the till of the Treasury until April of 1941 and you are saying that the very last resource of the Commonwealth of Pennsylvania has to be placed in pawn, in hock, obligated to take care of problems that now confront this administration, that you didn't have the fortitude to take care of in 1939. Perchance this Legislature will be called back in another special session, perchance some calamity or some flood, some situation will arise that requires cash. You are stripping this Commonwealth bare. Not only, gentlemen, are you taking the moneys that the Governor so incorrectly and so aptly said was being taken from one pocket and put in another, not only are you taking the moneys that are in your own pocket but you are veritably sticking your hands in the pockets of the municipalities and you are taking from their pockets moneys that they anticipated receiving and upon which they built their budget.

The majority leader says that we should either stop relief or we should increase taxation or we should transfer funds. I say to the membership of this House the responsibility imposed upon this Legislature which we are ducking and imposing upon the 1941 Legislature, is so great it will put the government of the Commonwealth of Pennsylvania on the verge of a precipice. I say that we have a solution, and a good solution. Let this session of the legislature adjourn, let the Governor immediately issue a new call and include in that call all the necessary methods for the raising of revenues to save the Commonwealth of Pennsylvania.

Mr. WOODSIDE. Mr. Speaker, without taking the time to read it to the members, because I have heard it, I would like to insert in the record at this place the last three paragraphs of the Governor's speech as contained on page 6:

> "We were told that the administration would levy a hundred million dollars in new taxes during 1939. When that year ended without a cent of new taxation, the prophets revised their forecasts to say the new taxes were inevitable during 1940.
>
> "Now that the present session has been summoned without any mention of new taxes in the call, I note from the newspapers that the prophets have again revised their predictions and are saying that new taxes are inevitable during the spring of 1941.
>
> "Time has twice disproven these forecasts. I will leave it to time to dispose of the third version. But I will say again, what I have said before, that the likelihood of need for new taxes grows less day by day. We are in infinitely sounder position today than eighteen months ago."

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—129

| | | | |
|---|---|---|---|
| Ackermann, | Ely, | Krise, | Serrill, |
| Alspach, | Ewing, | Lee, | Shearer, |
| Atkins, | Fisher, | Leisey, | Simons, |
| Auker, | Fiss | Leydic, | Sloan, |
| Balliet, | Fleming, | Lichtenwalter, | Snyder, |
| Bennett, | Foor, | Long, | Sollenberger, |
| Boney, | Freed, | Lyons, | Stambaugh, |
| Boorse, | Fullerton, | Marr, | Stewart, |
| Bower, | Furman, | McClester, | Stockham, |
| Boyd, | Gates, | McGarrity, | Sweeney, |
| Bretherick, | Gillan, | McKinney, | Tahl, |
| Broad, | Gillette, | McNally, | Taylor, |
| Brown, S. W., | Goll, | McVay, | Thistle, |
| Brunner, | Habbyshaw, | Montgomery, | Thompson, G. R., |
| Burris, | Haines, | Moser, F. S., | Tiemann, |
| Cadwalader, | Hall, | Moser, J. L., | Trout, |
| Calvin, | Harbeson, | Muir, | VanAllsburg |
| Carpenter, | Haudenshield, | O'Connor, | Van Belle, |
| Check, | Henry, | O'Dare, | Voorhees |
| Christler, | Hewitt, | Peacock, | Wagner, |
| Clark | Hocke, | Peale, | Watkins, |
| Clearwater, | Hoffman, J. N. | Readinger, | Webster, |
| Cook, | Hoyt, | Reagan, | Weiss, |
| Cooper, | Huntley, | Reese, D. P., | Wilkinson, |
| Cordier, | Imbrie, | Riley, | Wilson, |
| Cortese, | Irvin, | Robertson, | Winner, |
| Curran, | James, | Rose, | Wood, H. M., |
| Dalrymple | Johnston, | Roseberry, | Wood, L. H., |
| Denman, | Jones, | Royer, | Wood, N., |
| Dick, | Kline, | Sarge, | Woodside, |
| Dix, | Knoble, | Schrock, | Yeakel, |
| Donahue, | Kowalski, | Seif, | Turner, |
| Eckels, | | | Speaker. |

NAYS—64

| | | | |
|---|---|---|---|
| Achterman, | Downey, | McLane, | Rosenfeld, |
| Allmond, | Falkenstein, | Melchiorre, | Rothenberger, |
| Andrews, | Finnerty, | Mihm, | Sarraf, |
| Baker, | Harkins, | Mooney, | Schrope, |
| Balthaser, | Hess, | Moran, | Schwab, |
| Bardes, | Hindman, | Munley, | Shaw, |
| Bohn, | Hoffman, S. K., | O'Brien, | Skale, |
| Boles, | Holland, | O'Keefe, | Stank, |

| | | | |
|---|---|---|---|
| Boose, | Jirolanio, | Ominsky, | Tarr, |
| Brancato, | Keenan, | O'Neill, | Terry, |
| Burns, | Kilroy, | Powers, | Thompson, E. F., |
| Chervenak, | Kenehan, | Preston, | Walsh, |
| Cohen, H. B., | Levy, | Reese, R. E., | Welsh, E. B., |
| Corrigan, | Madden, | Regan, | Welsh, M. J., |
| DeNote, | Malloy, | Rider, | Westrick, |
| Donohoe, | Lovett, | Rooney, | Williams, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 3, entitled:

An Act transferring money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HARKINS. Mr. Speaker, I desire to interrogate the majority floor leader.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HARKINS. Mr. Speaker, I desire to inquire of the gentleman from Dauphin, Mr. Woodside, whether or not he can inform the members of the House as to the amount of cash which is now available in the school fund.

Mr. WOODSIDE. The amount of cash, Mr. Speaker, is very small in comparison to the total sum. I do not have the exact amount available. I think it is somewhere on my desk but I cannot lay my fingers on the exact amount, however, it is small in comparison to the total sum.

Mr. HARKINS. Mr. Speaker, I desire to inquire of the gentleman from Dauphin, Mr. Woodside, whether he is acquainted with the types of securities now held in the state school fund?

Mr. WOODSIDE. I don't know that, Mr. Speaker. I can't answer that. If the gentleman is leading up to the question of what is going to be done with the securities, it is not very important, because they will be transferred to the School Employes Retirement Fund, the cash transferred into the General Fund, and then in June of 1941 will be brought back to this fund again. It is just a matter of bookkeeping.

Mr. HARKINS. I take it then, Mr. Speaker, that the gentleman does not know what securities are in the state school fund at the present time.

Mr. WOODSIDE. I certainly do not, Mr. Speaker. I haven't gone into what securities are in the different funds, especially under the circumstances; if it would be a matter of liquidating them in the open market that would be an entirely different problem.

Mr. HARKINS. I desire to inquire of the gentleman, Mr. Speaker, whether or not the proceeds which were derived from the store and theatre license tax are the proceeds which are in the state school fund at the present time.

Mr. WOODSIDE. Yes, Mr. Speaker, I believe there are some of those assets in the fund; in fact I know there are.

Mr. HARKINS. Mr. Speaker, I would further inquire of the gentleman from Dauphin whether he knows the amount of cash in the fund which was derived from the store and theater tax.

Mr. WOODSIDE. My recollection, Mr. Speaker, is that it was in the neighborhood of fifty thousand dollars; it may be higher. If the gentleman has this information it will save a lot of time if he will give it to the House. If the gentleman needs the information and feels that it is relevant, I will try to get the information for him.

Mr. HARKINS. Mr. Speaker, I do have some information which I understand is correct, but I felt it would be wise to check with the majority floor leader, because I felt he did have the information and I could be sure his information would be correct.

Mr. Speaker, I understand that the purpose of the State School Fund is to provide a fund for needy school districts and that this fund is dispersed only to distressed school districts, not to distressed school districts who are unable to pay their teachers' salaries but rather those needy school districts which have been victims of some catastrophe, those districts wherein a school has been destroyed by fire or by some such calamity, or where the school district needs a new building and lacks a portion of the funds necessary to complete the erection of the building.

I am informed by the Department of Public Instruction that the balance as of May 1st in this fund consisted of slightly more than two millions of dollars. I understand that this transfer will authorize the liquidation of securities to the amount of two million dollars from this fund. I understand that there are not two million dollars in securities in this fund but merely one million seven hundred thousand dollars, which are in Philadelphia Gas cerificates bearing, I understand, three and three-quarter percent interest.

There will be a damage to the state school fund, despite the fact that these certificates will be transferred to another fund of the government, because these certificates bear three and three-quarter percent interest and if they are out of the State School Fund for a matter of a year, there will be approximately $63,750 in interest payment which will not come into the State School Fund until the next year but which will go to the Teachers' Retirement Fund. I don't see in this bill any provision which is going to compensate the school fund for the loss of that interest. I don't see any provisions to regulate the price at which these securities will be disposed of, nor the price at which they will be paid back. There is another item of interest, however, and that is that there is an amount of $409,015.30 which has been realized from the proceeds of the store and theatre tax which is being reserved for possible reclaiming by the people who paid that tax, since the tax has been declared unconstitutional. I say to you, members of the other side, that you can't expect to get two million dollars from that fund, because you must hold that $409,015.30 for possible reclaiming by the people who paid the tax and who may come in at any time and claim their share of that tax. You are robbing the distressed school districts, to whom a few thousand dollars' help may mean the building of a new building, may mean the possibility of a school system obtaining sufficient help to enable the children to be properly housed in proper buildings in the case of a sudden emergency due to a fire or some other

catastrophe. It is true that we do not expect any of the school buildings to burn down, but it is very equally true that when an emergency does arise in a particular district, the district is unable to take care of itself financially. They formerly could come down to Harrisburg and if they could show a need in many cases they got the assistance to help out.

As late as April 9th, there was a payment made from this fund to a school district amounting to one thousand dollars. I am not informed as to just what school district that was, but I am sure with the care the Department of Instruction exercises that one thousand dollars helped some boys and girls somewhere in this Commonwealth to enjoy the facilities of a school building which they otherwise would not have been able to enjoy. I say to you this is merely another example of a transfer which can place an added burden on the people back home. It again is going to saddle on some unfortunate school district somewhere in the Commonwealth an added burden; in fact it may saddle on several unfortunate school districts an added burden that was absorbed by the state in years gone by. So I say to you that in addition to rendering the state school fund inoperative, because it will lose the interest that it otherwise would get next year, because it does not disperse the principal, it merely disperses the interest in the aid of these needy districts, I say to you that we are wrong in this transfer because we are not definitely pledging ourselves to its repayment; neither do we know whether the state school fund will lose or gain on this particular transaction. Suppose a year from now, if these securities are liquidated and transferred to the state school fund, the price of these securities has arisen on the market, how can we guarantee the State Retirement Board is going to give those back to the State School Fund? How can they legally give back those funds if they are valuable a year from now, the time we have set for the repayment to be made? I say to you we are doing something here that we don't know just what we are doing. I say to you that so long as you don't have any fair explanation of the bill, I think we ought not pass it as being a type of financial manipulation which is not honest. Therefore, I ask the members to vote against this transfer.

Mr. WOODSIDE. I call the attention of the gentleman, Mr. Speaker, to the fact that the store and theatre tax is not available for return at this time, because it has not been appropriated for that purpose. The money is only being appropriated to be placed after the end of this biennium.

In the second place I call the attention of the gentleman from Allegheny to the fact that we are appropriating for the aid of the distressed school districts one million dollars.

Mr. HARKINS. Mr. Speaker, I merely call to the attention of the House that we are not appropriating any money for the aid of the distressed districts to which I have referred. That is a different proposition entirely and the gentleman well knows it. I would like to inquire if the $409,015 is not to be utilized, and if the total amount in this fund is only $2,233,944.72, and you are taking from that, roughly four hundred thousand dollars, we are again about two hundred thousand dollars short of the two million dollars appropriated in this bill. Again the bill falls short of what it is claimed to provide.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—127

| | | | |
|---|---|---|---|
| Ackermann, | Ely, | Lee, | Shearer, |
| Alspach, | Ewing, | Leisey, | Simons, |
| Atkins, | Fisher, | Leydic, | Sloan, |
| Auker, | Fiss, | Lichtenwalter, | Snyder, |
| Balliet, | Fleming, | Long, | Sollenberger, |
| Bennett, | Foor, | Lyons, | Stambaugh, |
| Boney, | Freed, | Madden, | Stewart, |
| Boorse, | Fullerton, | Marr, | Stockham, |
| Boose, | Gates, | McClester, | Sweeney, |
| Bower, | Gillan, | McGarrity, | Tahl, |
| Boyd, | Gilette, | McKinney, | Taylor, |
| Bretherick, | Goll, | McNally, | Terry, |
| Bronson, | Habbyshaw, | McVay, | Thistle, |
| Brown, S. W., | Haines, | Montgomery, | Thompson, G. R., |
| Brunner, | Hall, | Moser, F. S., | Tiemann, |
| Cadwalader, | Harbeson, | Moser, J. L., | Trout, |
| Calvin, | Haudenshield, | Muir, | VanAllsburg, |
| Carpenter, | Henry, | O'Dare, | Van Belle, |
| Christler, | Hewitt, | Peacock, | Voorhees, |
| Clark, | Hocke, | Peale, | Wagner, |
| Clearwater, | Hoffman, J. N., | Readinger, | Watkins, |
| Cook, | Hoyt, | Reagan, | Webster, |
| Cooper, | Huntley, | Reese, D. P., | Wilkinson, |
| Cordier, | Imbrie, | Riley, | Wilson, |
| Cortese, | Irvin, | Robertson, | Winner, |
| Curran, | James, | Rose, | Wood, H. M., |
| Dalrymple, | Johnston, | Roseberry, | Wood, L. H., |
| Denman, | Jones, | Royer, | Wood, N., |
| Dick, | Kline, | Sarge, | Woodside, |
| Dix, | Knoble, | Schrock, | Yeakel, |
| Donahue, | Kowalski, | Seif, | Turner, |
| Eckels, | Krise, | Serrill, | Speaker. |

NAYS—64

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | Melchiorre, | Rosenfeld, |
| Allmond, | Downey, | Mihm, | Rothenberger, |
| Andrews, | Falkenstein, | Mooney, | Sarraf, |
| Baker, | Finnerty, | Moran, | Schrope, |
| Bardes, | Furman, | Munley, | Schwab, |
| Bohn, | Harkins, | O'Brien, | Shaw, |
| Boles, | Hess, | O'Connor, | Skale, |
| Brancato, | Hoffman, S. K., | O'Keefe, | Stank, |
| Broad, | Holland, | Ominsky, | Tarr, |
| Burns, | Jirolanio, | O'Neill, | Thompson, E. F., |
| Check, | Keenan, | Powers, | Walsh, |
| Chervenak, | Kenehan, | Preston, | Weiss, |
| Cohen, H. B., | Kilroy, | Reese, R. E., | Welsh, E. B., |
| Cohen, R. E., | Levy, | Regan, | Welsh, M. J., |
| Corrigan, | Lovett, | Rider, | Westrick, |
| DeNote, | Malloy, | Rooney, | Williams, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 4, entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. O'CONNOR. Mr. Speaker, I believe the records will bear me out that I speak the truth when I say to this House that throughout my career here I have not played politics in voting on any relief measures or transfer bills for relief purposes. I voted for these measures during the administration of Governor Pinchot and Gov-

ernor Earle, and now for the second time under Governor James. I believe this session is primarily a relief session of the Legislature, and it is for the reason that these funds are needed for relief that I strayed from the path of my party for a moment and voted for House Bill No. 2. If I were to look at these bills as purely financial matters I would be bound to agree with my colleague from Cambria, Mr. Andrews, because I think his position financially is absolutely sound.

Mr. Speaker, in my constituency I have hundreds and hundreds of people who do not know what the tax anticipation notes are, but they do know what it means to be without bread and butter and clothing for their children and without the necessities of life. I believe I represent a constituency of people composed of as fine a people as are to be found anywhere in the United States, and they have sent me here to do my duty, all that I can do to help them in their districts to get something to eat and the necessities of life, including clothing and schooling for their children. It is for that reason that I voted for the transfer of the funds from the motor fund but it is because of my desire to help the people back home in my district that I must oppose this bill, House Bill No. 4, which provides for a transfer of $7,250,000 from the Liquor License Fund. The funds received for liquor licenses go directly to townships and boroughs. These licenses have been granted. These municipalities and townships are counting on those funds for the balancing of their budgets and carrying on their municipal work. This leaves us in a situation, if this bill becomes a law, that these municipalities will have to go to the cupboard and find it not only bare but with no prospect of anything coming forth to eat. Many of our municipalities have issued short term notes, and plan, when they receive the liquor license fees, to pay them. If these funds are not returned to these municipalities then these particular municipal obligations cannot be met, and the result will be that all of your municipal projects and improvements will be closed down. This bill will have a detrimental effect rather than a beneficial one because it will cause those who are on WPA to be put on direct relief, taking them out of employment, and instead of helping by transferring these funds we are really taking a step backwards, detrimental to the purpose for which this session was called. By taking these funds away from your local communities it will eventually create an increase in local taxes in the future. As I view it, the millage has been laid in the boroughs and the townships for the year of 1940. Now, if these funds are to be denied the municipalities a deficit is bound to occur, and we will be faced in the future with an increase in local taxes, an increase in taxes on real estate, a policy which both this administration and both parties in Pennsylvania are pledged to oppose.

I feel, Mr. Speaker, since this bill will increase local obligations and since it will upset the budget of practically all the municipalities in Pennsylvania you should join with me in voting "no" on this bill.

Mr. ACHTERMAN. Mr. Speaker, as was stated by the previous speaker, this is a transfer of the liquor license fund, and I wish to point out to the members of the House that this bill, as well as the two following, are exceedingly presumptuous on the part of the Governor in what appears to be his general plan to not only lay bare the cupboard of all highway funds, but also to lay bare the cupboard that houses the funds of all our municipalities, as well as our counties. I have had broken down the distribution of the liquor license fund which totalled in 1939 the sum of $8,796,316.45, as to counties. However that is not a clear picture of what occurs, because each county fund is also broken down as to the particular municipal governments within that county. It means that there is possibly not a township, borough or city in this entire state which is not affected to some extent and degree. Perhaps the people of this Commonwealth will be very much interested to learn how great the steal is on the part of the Governor of Pennsylvania. Therefore for the record I shall read the extent of that steal.

In Adams County it involves the sum of $13,775. In Allegheny County it involves the sum of $1,051,733.34; Armstrong County, $21,975; Beaver County, $75,635.42; Bedford County, $14,200; Berks County, $293,675.04; Blair County, $91,716.66; Bradford County $13,200.01; Bucks County, $89,230; Butler County, $23,800; Cambria County, $141,983.34; Cameron County, $3,425; Carbon County, $42,241.67; Centre County, $20,750; Chester County, $79,083.34; Clarion County, $9,066.67; Clearfield County, $46,325; Clinton County, $13,250; Columbia County $16,800; Crawford County $26,258.34; Cumberland County, $27,650; Dauphin County, $172,725; Delaware County, $229,962.51; Elk County,, $17,075; Erie County, $128,404.17; Fayette County, $72,702.07; Forest County, $1,100; Franklin County, $18,200; Fulton County, $2,800; Greene County, $11,050; Huntingdon County, $10,300; Indiana County $16,583.33; Jefferson County $10,475; Juniata County $2,800; Lackawanna County, $311,779.18; Lancaster County, $142,475; Lawrence County, $30,875; Lebanon County, $51,466.67; Lehigh County, $193,950; Luzerne County, $421,920.87; Lycoming County, $36,691.67; McKean County, $20,900; Mercer County, $32,025; Mifflin County, $20,125; Monroe County, $26,800; Montgomery County, $207,591.67; Montour County, $3,150; Northampton County, $166,875; Northumberland County, $156,516.68; Perry County, $9,604.17; Philadelphia County, $3,385,241.68; Pike County, $11,950; Potter County $5,525; Schuylkill County, $350,400.01; Snyder County, $8,150; Somerset County, $43,616.67; Sullivan County, $7,250; Susquehanna County, $12,400; Tioga County, $7,950; Union County, $1,425; Venango County, $16,225; Warren County, $14,575; Washington County, $87,950; Wayne County $14,966.67; Westmoreland County, $130,877.93; Wyoming County $7,925; York County, $78,091.67; or a total of $8,796,316.45.

The Governor, we must admit, has certainly been very scrupulous in seeing that he did not avoid any one of the municipalities of this state, in forcing them to contribute to his hodge podge budget that he established in 1939. This is a part of the price that he is asking the people of Pennsylvania to pay because he had neither the courage nor the foresight to formulate a program that would meet his responsibilities. Certainly he has no right to expect or anticipate the support of either Democrats or Republicans in his present proposal.

Mr. LOVETT. Mr. Speaker, in opposing this bill I feel it only fair that I should say to my Republican colleagues from Westmoreland county who may not have the information at their disposal, that this particular bill deprives our local county of $[illegible]77.93. That is the reason I am opposed to this particular transfer and I might say while I am on my feet that the reason I oppose the transfer from the Motor License Fund is that it is much better for men to work on the state highway and be paid by the state

highway than it is to take the money away from the state highway and then have those same men go on the relief rolls and receive their money there.

Mr. OMINSKY. Mr. Speaker, as was pointed out to you just a while ago by the gentleman from Monroe, Mr. Achterman, Philadelphia would lose under this set up $3,385.000, and if rumors are correct, city council will transfer or retransfer the one million dollars which was made available for WPA funds to take care of part of this deficit.

I say to you that the one million dollars which has been allocated for WPA in Philadelphia, and which is not denied, would take off the relief rolls and relieve the relief load financially by approximately ten million dollars. I say this type of financing is being penny wise and pound foolish.

Mr. HOLLAND. Mr. Speaker, I wish to offer as part of the record a telegram from the Mayor of the City of Pittsburgh which read as follows:

> "I am informed that House Bill Number Four will deprive the City of $682,000 derived from its just share of the liquor tax collected by the state, and that House Bill Number Five will deprive us of $122,000 representing the two percent tax on premiums paid to out-of-state fire insurance companies. The withdrawal of these funds from Pittsburgh will make our budget meaningless and will present a most serious financial problem to the city. I need not remind you that they are equivalent to more than one mill of real estate taxes. I think it is utterly unjust for the state to cavalierly take over these funds which have been set aside for us after we have based our budget upon them. The state should face its own responsibilities without crippling its municipalities. May I ask that before any action is taken on these bills that a public hearing be held in which the city of Pittsburgh may state its position of opposition. I am sure that we will be joined by counties, cities and boroughs throughout the Commonwealth in our protest at this raid legislation. Cornelius D. Scully, Mayor."

Members of the House from Allegheny County, I wish to inform you that about five hundred thousand dollars will be denied the boroughs and townships that you represent if you pass this bill. Personally, I believe we were very meek when we called the present Governor, Jesse James, because he certainly has proven that he can hold up every municipality in the state of Pennsylvania and steal their funds.

Mr. HARKINS. Mr. Speaker, a few sessions ago, at the instance of several progressive groups interested in obtaining for citizens some information with respect to the expenditures of local municipalities, we passed in this assembly bills requiring the preparation and submission of their budgets. We told local councils that they had to comply with certain requirements; that they had to post their budgets so that the citizens of the local municipalities would have an opportunity to inspect them and to object to items listed therein. The time has long since passed for these local municipalities and for borough councils to make any changes. Now, we come here and we are asked to deprive these municipalities of funds which we told them last year they could rely upon and count upon in the preparation of their budgets for the carrying out of their municipal programs for the current year.

On the basis of the figures for last year, the municipalities in my legislative district will lose the following amounts;

The City of Clairton will lose the sum of $11,100. I submit to you that that may mean that that city may have to curtail its program or to lay off some of its firemen or policemen and possibly other workers.

The same thing is true of the City of Duquesne, where a loss of $15,500 will have to be taken. The small Borough of Dravosburg will even lose $800, Homestead will lose $17,900; the Borough of Munhall, $1,500; the Borough of West Elizabeth, $900; the Borough of Whitaker, $650; the Township of Jefferson which is in a program of expansion, which needs streets, sewer facilities, lights, that township will lose the sum of $3,200, which I am sure will cripple its program of expansion. The township of Mifflin will loose the sum of $3,350. The Borough of West Homestead, $2,650.

To the extent of the sums that I have mentioned, the citizens of each of these municipalities will have to forego municipal service, which their elected borough officials have decided are necessary, and they will have to wait upon the pleasure of the next legislature to repay them or they will have to go out and borrow money and pay interest on the sums to meet these deficiencies.

This is hardly an example to set before the local municipalities. On the one hand we required them to tell us how much they are going to spend, and after they have had their budget approved in Harrisburg, we come here and steal the money and tell them they go ahead and spend.

I say to you it is no wonder that we have poor local administrations at times if this is the type of administration of government we are going to have at Harrisburg. For that reason I believe we have no right to take from these municipalities the sums I have mentioned, and I am going to oppose this bill, and ask the members to do likewise.

Mr. REUBEN E. COHEN. Mr. Speaker, I wish to point out a matter which has been passed over in connection with this Liquor License transfer, which I think is very important.

A great deal of the money under the provision of the Liquor Control laws I believe is returnable to the municipalities or the counties for the purpose of assisting them in the enforcement of the liquor laws of Pennsylvania. Recently the press of this state carried the story about many of our wealthier citizens going to other states to purchase their spirits, which of course is to the detriment of Pennsylvania, because the state stores are charging a certain amount for taxation for direct relief purposes. The money that goes to Philadelphia is supposed to help us enforce the law. The money, I presume, that goes to many of the counties is used to suppress illegal liquor traffic, and I think that quite a lot of this money if diverted, even if it is paid back a year from now, is only putting off the day of reckoning. There is going to be less liquor enforcement in this state which only means that more bootleggers will be able to escape detection because money is not available for law enforcement, and that much money is going to be lost to the state in direct relief taxes which is levied by the state stores upon customers in the state. It is that reason, plus the other reasons heretofore given, that is compelling the minority at least, and we trust some of the majority to refuse to transfer these funds, unless we have some other means afforded us to have proper enforcement of the liquor laws in the state.

Mr. WOODSIDE. Mr. Speaker, under the law municipalities will be able to borrow against this sum, and being able to borrow they can make it available for all the pur-

poses for which they would have used this fund, and the money will be returned to them in some instances in considerably less than a year's time.

Mr. OMINSKY. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, may I inquire of the gentleman from Dauphin what citation he has in mind wherein the municipalities may borrow on this fund.

Mr. WOODSIDE. Mr. Speaker, this matter has been given very careful consideration by Mr. A. Lee Edwards, who as you know is a Deputy Attorney General, and incidentally has been connected with the Attorney General's office for a longer period of time than any other member of the Attorney General's staff. Mr. Edwards, as you know, has been assigned to the Department of Internal Affairs for some years, and is apparently the most pronounced expert on the subject of municipal indebtedness of anybody in the Commonwealth of Pennsylvania. He was asked some time ago to give careful consideration to this question, and he has arrived at the opinion that there can be no doubt of the right of counties and municipalities to borrow against this sum without its being considered an increase in indebtedness; they can borrow against it even though they have reached their constitutional limit of six or seven percent because it is not considered a form of indebtedness which would increase their indebtedness. This opinion is concurred in by the Attorney General.

Mr. OMINSKY. Mr. Speaker, may I inquire of the gentleman from Dauphin as to whether or not the only opinion he has is from the Attorney General to the effect that municipalities will be authorized to borrow if they so desire?

Mr. WOODSIDE. Mr. Speaker, Mr. Edwards in cooperation with the Attorney General has made a careful study of the matter and they have gone into the decisions of the courts. They have of course given consideration to all of the opinions. I have not here all the information upon which they based that opinion. I know there are Supreme Court cases upon which they base it but I do not have that information, and I am not able to give that information to the gentleman in detail.

Mr. OMINSKY. Mr. Speaker, is it not a fact that municipalities are established by statute, and any powers they have must be actually included in the statute which establishes those municipalities relative to their borrowing capacity?

Mr. WOODSIDE. Mr. Speaker, I would not say that that was necessarily true, because there are inherent powers in a municipality which are not conferred by the authority given in the statute.

Mr. OMINSKY. Mr. Speaker, may I inquire who would pay the interest on the money which they could borrow against this money which is being taken away from them, if it can be borrowed, of course?

Mr. WOODSIDE. Mr. Speaker, the borough or municipality could pay that or they could deduct it from the amount which they would receive. Of course it would be the same thing, the municipality would have to pay it. The state wouldn't pay it.

Mr. OMINSKY. Mr. Speaker, may I inquire also what provision this administration has made to repay to the municipalities the money which they are now taking and which the gentleman from Dauphin says can be borrowed upon.

Mr. WOODSIDE. Mr. Speaker, for repayment?

Mr. OMINSKY. Mr. Speaker, in what form, with interest or without interest?

Mr. WOODSIDE, Mr. Speaker, with interest.

Mr. MORAN. Mr. Speaker, I have been advised by some of my colleagues to my right to make this short. I want to tell them that I have been short all my life.

Mr. Speaker and members of the House, I wish to oppose House Bill No. 4 for the reason that it is going to cripple the budgets set up by the different municipalities, not only throughout the state but in my particular legislative district. I have here a telegram from one of my municipalities which is similar to some of the other communications which I have received and which reads as follows:

> "Reports Governor advocates appropriating for relief purposes funds of liquor license tax money earmarked for municipality by present law stop municipalities operating under budgets with tax millage set in February cannot possibly be subject to such arbitrary unwarranted action without grave consequences stop ask your unyielding opposition to proposed action stop
>
> George Mehalik Joseph Pytka Joseph Weber
> Finance Committee Braddock Borough"

The following is a citation in detail and in round figures of the different municipalities in my district as to how they would be affected if this measure is enacted into law:

Braddock, $21,900.00; Chalfant, $641.67; Churchill, $300.00; East Pittsburgh, $4,450.00; Elizabeth, $850.00; Glassport, $3,950.00; Pitcairn, $1,950.00; Turtle Creek, $7,000.00; Wilmerding, $4,700.00; Oakmont, $1,800.00; Verona, $3,125.00; Port Vue, $1,200.00; East McKeesport, $400.00; North Braddock, $5,450.00; Rankin, $6,200.00; Edgewood, $50.00; Swissvale, $7,700.00; Liberty, $150.00; Wall, $1,050.00; Versailles, $1,150.00; Trafford City, Paid into Westmoreland County, $2,150.00.

Also the following townships: Braddock, $275.00; Elizabeth, $2,075.00; N. Versailles, $2,500.00; Patton, $1,950.00; Penn, $9,800.00; Plum, $1,300.00; Versailles, $3,000.00; Wilkins, $70,000; Forward, $1,800.00; S. Versailles, $150.00.

The SPEAKER. The Chair desires to inquire of the gentleman from Allegheny whether or not he is reading from the Atlas?

Mr. MORAN. No, Mr. Speaker, but I will be reading it in the election bureau after the next election if this goes through. I sometimes think, Mr. Speaker, without any disrespect whatever, that the Republican party has kicked the ball around so much at the present time that they want to get rid of it, they want the Democrats to get elected the next time in order to give them this load to carry in 1941.

In connection with this same bill I wish to read from Oswald.

The SPEAKER. The Chair recalls that Oswald's hair was of a different color.

MR. FURMAN IN THE CHAIR

Mr. MORAN. The letter from Oswald read as follows:

"Dear Oswald:—

I am all trans-mog-rified. This Governor of ours got hisself elected by tellin the farmers he was "goin to put the taxes through the wringer" and last night I

heard him on the radio tellin the legislature how to put us all "through the wringer." That means the firemen, the county commissioners and the fellows that uses the highways. It looks to me like he got hisself into reverse.

A lot of us farmers was kind of disappointed when he got hisself elected but after he went down to Texas and got hisself a Democrat to run things we kind of picked up courage and thought maybe things would go allright. Well this Democrat fooled us. I guess he was payin us back for the way one of our Pennsylvania fellows done down there before the Civil War. General Sam Huston was from Pennsylvania and he went to Texas and scared a bunch of Mexicans with a bunch of dogs and a wooden cannon and started a revolution.

Well we have got that wooden cannon on our hands now. It looks like the real thing but it aint got no ammunition in it because it takes real dough to run the relief business and taking money out of gasoline crop that aint planted yet is stretchin this anticipation trick a little too far. So gettin a Democrat from Texas aint doing the Republicans no more good than bringing Moe Annenberg in from Florida to run the G. O. P.

The thing I cant get through my head is how it is goin to take $73,000,000 to do this job when the Governor says he has saved up $60,000,000 and sowed it up in a sock to pay this little relief bill off. It looks to me now as though the difference between $73,000,000 and $60,000,000 is $13,000,000. It seems to me that I heard about that economy stuff before. That $17,600,000 that was saved and the $18,000,000 that wasnt spent on the Mt. Gretna Prison and Butler Sanitorium and the $8,000.00 that come from some other place was all used in the regular legislature last winter of course it aint bad business to use the same economy over agin if you want to fool anyone but its just like tying a string to a worm so you can feed the canary until the worm wears out. The only thing thats wrong is the canary dont get no where.

Of course we knowed that this war would get things pepped up and make taxes come in like nobodys business from corporations that was making money hand over fist but Mr. Fuller dont like it and he is goin to move out of the state where thay aint got no taxes and no wringers neither. Of course he aint a good sport because he helped the Governor to Job Mobolize all the fellows that got war jobs and write them down for Mr. Brown to crow about and now after getting all them jobs in this "great State of Pennsylvania' he kicks up a fuss just because the fellows that got the jobs dont pay all the taxes.

One of the fellows the Governor bawled out most terrible was Pinchot. He was a "fund raider" and several other things before Steve Stahinecker got hisself back on the state payroll. Another fellow that got the works was Earle. His administration was so full of thieves that ten new penetentiaries would have to be built to give Margiotti a chance to spread hisself. And now we cant even have one penetentiary at Mt. Gretna, Margiotti cant practice law in the city of Brotherly Love and Jay Cooke, and fund raiding is right in style again. Why it wouldnt surprise me if the Governor took to a handle bar mustache before he gets hisself out of reverse. It wouldnt surprise me a bit if Jay Cooke got hisself a umbrella when you get to thinkin about how much he understands about the common man.

The thing that gets me down is how this here Governor told us "He knowed his way around at Harrisburg." He was assistant Governor one time and he he knowed just where he got off the other time. Well he started out agin the "punitive taxes" and was going to put them through the wringer and and now the taypayer feels the tug of the apron string as it starts through the wringer just outside the kitchen door, 1941.

He was agin the WPA and now the WPA cant grow enough to balance his state budget.

He was agin the Pennsylvania Turnpike and now he has to have some more Turnpike to help his Job Mobilization campaign.

He was agin the Thompson School program and $60,000,000 of Federal Funds for Pennsylvania School Districts and Pennsylvania carpenters and bricklayers and now he wants the Federal Government to furnish more labor than his departments will sponsor.

Now he is agin making political capitol out of any of these things because he cant get hisself out of reverse. I dont know what his mother give him for a full name but if she had the job to do over agin I can dig up good reasons why it should be Arthur Hindsight James.

Hopelessly yours,

Hiram.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

Mr. MORAN. Mr. Speaker, I sat here very patiently for two days and listened to what I called in the 1935 very good fertilizer, as some of you older members may remember. You will remember that I tried to get an appropriation through this House to open up a hole in the wall so that the farmers could back their wagons in and haul it away. Mr. Speaker, I also remember that back in 1935 the program that you people on the other side of the House are presenting today was part of the program that we presented and you opposed it. The only difference in the program is that we found a way to finance it and you have not. I also want to direct the attention of the members who may not know, that when the Democrats secured control of this House in 1935 there was about a thirty-six million dollar deficit left by the previous administration, even after receiving an eighteen million dollar gift from the Dorrance Estate, or you would had approximately a deficit of fifty-three million dollars. That was inherited by the Earle administration. In addition to that when the Earle administration came into power they were not receiving and the state was not paying one cent towards relief, but the Federal government was paying it all. It was necessary for the House of Representatives and the Senate in the session of 1935 to raise five million dollars a month in order to finance relief. All of the funds were depleted in the state at that time. They never faced the issue, they wouldn't face the issue, and they have started to practice today by passing these bills the same thing they have practiced for years, robbing one fund to pay the other and then not paying back the fund which they robbed. That is going to happen in this session, that thing is going to happen during this administration, unless we put a safeguard or a clause in these bills that will safeguard and tell us exactly when that money is going to be paid back. There are members on our side of the House who will vote for every one of these bills if you put that clause in. I do not see why you do not put it in. I do not want to take up a lot of time of the House; I think I have said enough, and I will close by asking you to refer this bill back to committee for further study and possible amendment.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Ominsky, Achterman and Preston asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—119

| | | | |
|---|---|---|---|
| Ackermann, | Ewing, | Lee, | Simons, |
| Alspach, | Fisher, | Leisey, | Sloan, |
| Atkins, | Fiss, | Leydic, | Snyder, |
| Auker, | Fleming, | Lichtenwalter, | Sollenberger, |

| | | | |
|---|---|---|---|
| Balliet, | Foor, | Long, | Stambaugh, |
| Bennett, | Freed, | Lyons, | Stewart, |
| Boorse, | Fullerton, | Marr, | Stockham, |
| Boose, | Gates, | McClester, | Sweeney, |
| Bower, | Gillan, | McGarrity, | Tahl, |
| Boyd, | Gillette, | McKinney, | Taylor, |
| Bretherick, | Habbyshaw, | McNally, | Terry, |
| Bronson, | Haines, | McVay, | Thistle, |
| Brown, S. W., | Hall, | Montgomery, | Thompson, G. R. |
| Brunner, | Harbeson, | Moser, F. S., | Tiemann, |
| Cadwalader, | Haudenshield, | Moser, J. L., | Trout, |
| Calvin, | Henry, | Muir, | VanAllsburg, |
| Carpenter, | Hewitt, | O'Dare, | Van Belle, |
| Christler, | Hocke, | Peacock, | Voorhees, |
| Clark, | Hoffman, J. N., | Peale, | Wagner, |
| Clearwater, | Hoyt, | Reagan, | Watkins, |
| Cooper, | Huntley, | Reese, D. P., | Webster, |
| Cordier, | Imbrie, | Riley | Wilson, |
| Cortese, | Irvin, | Robertson, | Winner, |
| Curran, | James, | Rose, | Wood, H. M., |
| Dalrymple, | Johnston, | Roseberry, | Wood, L. H., |
| Dick, | Jones, | Royer, | Wood, N., |
| Dix, | Kline, | Sarge, | Woodside, |
| Donahue, | Knoble, | Schrock, | Yeakel, |
| Eckels, | Kowalski, | Serrill | Turner, |
| Ely, | Krise, | Shearer, | Speaker. |

NAYS—68

| | | | |
|---|---|---|---|
| Achterman, | Denman, | McLane, | Rooney |
| Allmond, | DeNote, | Melchiorre, | Rosenfeld, |
| Andrews, | Donohoe, | Mihm, | Rothenberger, |
| Baker, | Downey | Mooney, | Sarraf, |
| Balthaser, | Finnerty, | Moran, | Schrope, |
| Bardes, | Furman, | Munley, | Schwab |
| Bohn, | Harkins, | O'Brien, | Shaw, |
| Boies, | Hess, | O'Connor, | Skale, |
| Boney, | Hindman, | O'Keefe, | Stank, |
| Brancato, | Holland, | Ominsky, | Tarr, |
| Broad, | Jirolanio, | O'Neill, | Thompson, E. F., |
| Burns, | Keenan, | Powers, | Walsh, |
| Burris, | Kenehan, | Preston, | Weiss, |
| Check, | Kilroy, | Readinger, | Welsh, E. B., |
| Chervenak, | Levy, | Reese, R. E., | Welsh, M. J., |
| Cohen, H. B., | Lovett, | Regan, | Westrick, |
| Cohen, R. E., | Madden, | Rider, | Williams, |
| Corrigan, | Malloy, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## MOTION TO RECESS

Mr. SKALE. Mr. Speaker, I move that this House do now take a recess until 8 p. m. Eastern Standard Time.

The motion was not agreed to.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 5, entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, would the gentleman from Dauphin please explain what this bill seeks to accomplish, to the detriment of the Commonwealth of Pennsylvania.

Mr. WOODSIDE. Mr. Speaker, the gentleman explained what this bill would accomplish back in the 1937 session. Does the gentleman seriously want to know?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin if this is not the same bill on which he in the 1937-1939 session felt my position was correct, namely, that the funds should not be attached since they belong to the volunteer firemen, and were provided for relief for the firemen?

Mr. WOODSIDE. Mr. Speaker, the Fire Insurance Tax Fund is the money which is used for the payment to the volunteer firemen's relief fund. Most of the money paid to the relief fund is put on interest and the interest used for benefits. As a result of this bill payment will be postponed for a short period of time and the fire companies will lose a very small amount of interest. That will be the total loss of the Volunteer Firemen's Relief Association. I might further say that there is a considerable accumulation in the funds which is included in the amount to be transferred which would not have been paid to the firemen either during 1940 or the early part of 1941.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman indicate that the fireman's relief fund is only entitled to the tax accumulations or do I misunderstand the gentleman?

Mr. WOODSIDE. Mr. Speaker, I think the gentleman has misundestood me, or else I haven't stated it clearly. I stated that part of this money which is being transferred is an accumlation which would not have been paid to the relief association before the time when it will be paid back. In other words, of this two million three hundred thousand dollars there is a considerable amount, I think in the neighborhood of five hundred thousand dollars or more, which is an accumulation which would not have been paid to the relief association.

Mr. HERBERT B. COHEN. Mr. Speaker, is this not the same bill that was a part of the James' administration program in the 1939 transfer orgy?

Mr. WOODSIDE. Mr. Speaker, there were some transfers made in the spring of 1939. This is one of them, I think.

Mr. HERBERT B. COHEN. Mr. Speaker, is it not a fact that this particular bill was subsequently not resorted to, after the gentleman from Dauphin felt that these funds should be held inviolate?

Mr. WOODSIDE. Mr. Speaker, I do not recall exactly what action was taken on these transfers at that time. I do not think that was the basis.

Mr. HERBERT B. COHEN. Mr. Speaker, I do not know whether I should really cast a vote on this bill because of a personal interest, being a member of the Vigilant Fire Company in York. I might say that Vigilant Fire Company No. 1, is the oldest fire company in a long line of fire companes, and without a doubt considered the outstanding volunteer fire organization in the city of York, and only modesty prevents me from saying in the Commonwealth of Pennsylvania. Nevertheless I do not think we should look upon this fire fund in a facetious manner, or possibly a little fearlessly, now that we are coming to the closing days, at least of my legislative career, and undoubtedly the closing days of so many of you first termers on the other side, and I feel I can be a little less tolerant of the

rules of this House, and properly speak upon a measure in which I have an extreme personal interest, the Volunteer Firemen's Association.

The City of York saves in taxes as a result of the Volunteer Fire Department some forty to fifty thousand dollars a year, which is a tremendous saving. In addition thereto our community has what I would say is the outstanding fire fighting organization of any community of its size. My colleague from York, Mr. Hocke, will tell you that our insurance rates are very low. We have an admirable fire loss record, and every year the firemen walk up and down in a parade and display what I would say is the most perfect fire equipment of any paid or volunteer fire company in the entire Commonwealth. I still feel that my county is not any different from those counties in which you members live, and in which there are so many volunteer fire companies. Mark you, gentlemen, the only single solitary advantage that the volunteer firemen get is that contribution that is made from the collections on foreign fire insurance policies issued in the Commonwealth of Pennsylvania. The taxes on these policies and the allocation of these funds to the relief organizations maintain all these volunteer fire associations. For their service that is the only material benefit they receive. I migh say that in the course of defending our community against fire any number of firemen have suffered serious physical injuries, and here we are degrading to the extent that for a mere two million dollars or so the Commonwealth of Pennsylvania sticks its apparently greedy fingers into the fund and takes from the pockets of the relief organizations these moneys. My memory does not go back any further than the session of 1933 but it does go back to and includes the session of 1934, when Gifford Pinchot was confronted with a similar problem. Gifford Pinchot, then the Republican Governor, under similar circumstances, on the eve of an election in 1934 did have the moral stamina to provide the funds necessary for the conduct of the Commonwealth and attempted to stick his fingers into the firemen's funds. I say that the election of 1934, among other things, possibly was indicative of how the electors felt against those so-called greedy fingers.

Today we are again confronted with the same situation. Another Republican Governor, another situation similar to or on all fours with the prior situation, another election and another attempt to follow what the Governor thinks is political expediency, but which I am sure will be the political obituary of the Republican party. If the Republicans do not immediately make an about face, if they do not get their heads together and see how the problems of the Commonwealth can be met, following the pay as you go tradition of the Commonwealth, then I am sure it will not be in position to reap the benefits it expects to derive from its peculiar agricultural, industrial and mineral situation, that the ten thousand dollar ads in the Saturday Evening Post say it is going to reap. It is very peculiar that Pennsylvania, which is considered the richest state in the entire nation, both industrially and agriculturally, should spend ten thousand dollars this week in the Saturday Evening Post in order to tell the people of our vast resources. Of course the fact that Mr. Fuller is a very good friend of the Governor's might have something to do with it, as well the fact that he wrote the publicity for Governor James, and he, if I am not mistaken, writes a lot of publicity for Mr. Pew, as well as the fact that he is the publicity man who clips ten thousand dollars for a five, ten or fifteen percent fee for putting it into the Saturday Evening Post. I do not know whether that had anything to do with those rash expenses. I do know this, if the Governor would stop spending the money of the Commonwealth of Pennsylvania in blowing his own horn and putting his name down so that delegates from North Dakotas for instance, might think that he is a pretty swell fellow, he would not need all this money, and if Pennsylvania does not make an about face this great industrial and agricultural state is going to be confronted with a multiplicity of acts of these tyrants and antagonisms and hard feelings will emanate from legislative actions such as this. And what happens? All of you men who came in here under false colors, all of you men who ran up and down the Commonwealth saying, "I will never transfer the highway funds. I will never pass any of those vicious Earle taxes. I will never do anything that the vicious Earle administration did," and by golly the people believed you, they thought you were telling the truth. I have seen ads in my newspapers, signed statements by my colleagues, just as you men in your own legislative district put in paid ads in opposition to robbing funds, in opposition to enacting taxes, in opposition to this tremendous orgy of expenditure. Those ads were under your name, they were your pledge, your honest pledge, to your constituents as to what you were going to do. Upon that statement of policy the people voted for you and put you into office. Now the electorate of the Commonwealth of Pennsylvania this fall is going to have an opportunity to put you out of office.

Mr. WESTRICK. Mr. Speaker, I do not like the idea of my friend from York, Mr. Cohen, claiming all the honors for his volunteer fire department. I belong to one too, and for once in my life, I want to speak for myself and for my county. Over in my county of Cambria we have an organization of volunteer firemen, something like twenty-eight organizations that belong to the county organization. This county organization meets once a month. I am telling you right now that there isn't anything that riles those men any more than when they know that for some reason or other their state appropriation from these fire funds is not forthcoming. There isn't anything that riles them any more, and I want to say to you that if you desire to come back as members of the House of Representatives, if you want to help your opposite political party along, go ahead and vote for this measure. You cannot do us any bigger favor. For the amount of money that this involves there is surely some way that that money can be found in this Commonwealth without robbing this particular fund, because the money that goes to these relief organizations is set aside very definitely from time to time for carrying their compensation insurance so that when men in volunteer service are injured their families will not suffer. You know as well as I that the budgets of the different boroughs have been established and there isn't any chance that those boroughs are going to be able to come back to help out these fire companies. Are you going now to take away these moneys that belong to these volunteer firemen to pay these compensation premiums? You know these moneys have been paid during May, June and July. What are you going to do this year? Are you going to say to these men, "We haven't got it, because we transferred this measly sum, a few million, because we had no other

place to find it?" If that is what you want to do, then go ahead. As far as I am concerned, politically you are doing us a favor. I am asking you to consider this proposition carefully before you act upon it. Just to show you what this may mean in my own county last year there was paid the sum of $17,274 plus to these relief organizations. It means in your counties just as much as it does in mine. Let us not be too hasty in our actions on this particular measure.

Mr. HARKINS. Mr. Speaker, as one member of the House who isn't a member of a volunteer fire company but who comes from a borough which is protected solely by volunteer firemen and which also has an admirable low fire loss, and which if this bill is passed will suffer by the loss of the sum of $1,529, I want to add my protest to the passage of this bill. As one who comes from a borough that not only has fine pieces of fire equipment for a borough of its size, despite the allegations of my distinguished colleague from the municipality of York, I think I can boast that we have the best drum corps in the state.

What I want to say is that the activities of these several fire companies of this municipality and in the nearby municipalities are activities which are worth while. They are activities which should not be handicapped by taking any money from them which would tend to prevent other members joining them, because of the fact that they may not be compensated in case of injury.

I might call to your attention also that this is one of the reasons that many people throughout the state, not only those who are Democrats but those who are Republicans, are opposed to this type of program. I wish to read to you a short statement made by the Republican County Chairman of the county of Lancaster, as appeared in the Evening News of Harrisburg under date of Monday, May 6, wherein reference is made to an item which appeared in the Philadelphia Evening Bulletin:

> "G. Graybill Diehm, just reelected unanimously as Republican County chairman of Lancaster, told the committee that elected him:
> "'I am not opposed to Governor James but only to his policies.'"

Further, this Republican County chairman, just reelected unanimously in that county which has seen such sterling Republican members as we have had the pleasure of serving with, and have the pleasure of serving with now, and to whose wisdom we have listened to in the past, says:

> "The Governor stormed up and down the county and through the State saying what he was going to do when he was elected. But he had a budget $26,000,000 higher than the Democrats, and didn't cut it down one iota. It was all right when it was he who was doing it".

Further he says:

> "Monday he's assembling his Legislature and assessing you indirectly seventy million more. I am against it because it doesn't dovetail with Lancaster County economy".

Fellow members, it dosn't dovetail with any economy as practiced anywhere else in the state, except here at Harrisburg, where by juggling one fund against another, the Governor is able with his obedient Legislature to sandbag the municipalities on relief, not in a brazen or bold manner but indirectly in a craven manner, putting the burden of relief on local governments. That is all we are accomplishing here. We are merely assessing on the local real estate owners and the home owners taxes that represent the cost of relief that we have promised to take away from them.

Members of the House, I say to you this is merely another example of the type of legislation that we should not vote for but that we should vote down.

Mr. MORAN. Mr. Speaker, I rise to oppose this bill for the reason that this is going to cripple the firemen in their operations, especially their social functions in which I believe a lot of you people have participated. I know that sometimes after participation you could not always walk in a straight line.

I would suggest before you vote for this bill you check up on your IQ's. Probably you remember back in 1938 when you went up and down the state as I remember in my own county, we had billboards with big glaring signs on them, "Rub out the rubber stamp". I am wondering if they did rub out the rubber stamp. However, I won't dwell on that, but I will give you a few figures here as they affect my district and as I believe they will affect every other legislative district in this Commonwealth.

In the following boroughs, if this bill is passed, it will take away from the firemen of those particular municipalities these amounts:

BOROUGHS

| | |
|---|---|
| Braddock | $2,341.42 |
| Chalfant | 43.86 |
| East Pittsburgh | 892.93 |
| Elizabeth | 399.11 |
| Glassport | 442.54 |
| Forest Hills | 359.19 |
| Pitcairn | 697.68 |
| Turtle Creek | 1,389.78 |
| Wilmerding | 612.01 |
| Oakmont | 797.87 |
| Verona | 465.34 |
| Wilkinsburg | 2,907.34 |
| Port Vue | 217.92 |
| East McKeesport | 303.56 |
| North Braddock | 561.03 |
| Rankin | 394.81 |
| Edgewood | 570.93 |
| Swissvale | 933.81 |
| Liberty | 112.13 |
| Wall | 79.03 |
| Versailles | 143.96 |
| Trafford City | 286.76 |

TOWNSHIPS

| | |
|---|---|
| Braddock | 211.03 |
| Elizabeth | 229.02 |
| N. Versailles | 211.95 |
| Patten | 238.18 |
| Penn | 603.21 |
| Plum | 214.84 |
| Versailles | 227.23 |
| Wilkins | 140.29 |

Members of the House, I ask you to vote down this bill.

Mr. LOVETT. Mr. Speaker, I just want to again help my colleagues on the other side and tell them the exact amount of money that is taken away from the firemen in our county, namely, $24,107.03.

Mr. ACHTERMAN. Mr. Speaker, just for the purpose of the record, to show the extent of the steal perpetrated by Governor James of the insurance fund of the firemen, I offer into the record without reading the respective amounts taken from each county. May that, Mr. Speaker, be recorded in the record?

The SPEAKER. The Chair hears no objection and the statement may be printed in the Journal.

PAYMENTS BY COUNTIES
FIRE INSURANCE TAX FUND
YEAR 1939

| Counties | Fire Insurance Tax Fund |
|---|---|
| Adams | $ 2,359.61 |
| Allegheny | 180,039.16 |
| Armstrong | 5,506.67 |
| Beaver | 13,804.44 |
| Bedford | 1,153.65 |
| Berks | 22,919.83 |
| Blair | 18,133.89 |
| Bradford | 2,372.40 |
| Bucks | 5,847.85 |
| Butler | 7,557.53 |
| Cambria | 17,274.29 |
| Cameron | 731.76 |
| Carbon | 4,543.26 |
| Centre | 3,999.36 |
| Chester | 9,198.80 |
| Clarion | 1,078.17 |
| Clearfield | 6,204.02 |
| Clinton | 3,381.40 |
| Columbia | 3,773.59 |
| Crawford | 6.759.07 |
| Cumberland | 3,925.99 |
| Dauphin | 24,176.16 |
| Delaware | 24,267.34 |
| Elk | 4,117.06 |
| Erie | 19,522.63 |
| Fayette | 17,175.54 |
| Forest | 386.08 |
| Franklin | 4,144.97 |
| Fulton | 41.45 |
| Greene | 2,254.96 |
| Huntington | 1,909.96 |
| Indiana | 4,134.66 |
| Jefferson | 3,382.64 |
| Juniata | 318.58 |
| Lackawanna | 32,454.64 |
| Lancaster | 14,353.72 |
| Lawrence | 7,900.82 |
| Lebanon | 3,287.17 |
| Lehigh | 15,249.72 |
| Luzerne | 42,214.46 |
| Lycoming | 9,802.63 |
| McKean | 8,279.36 |
| Mercer | 9,693.13 |
| Mifflin | 1,994.19 |
| Monroe | 5,027.40 |
| Montgomery | 24,699.76 |
| Montour | 607.74 |
| Northampton | 16,072.29 |
| Northumberland | 10,664.56 |
| Perry | 472.19 |
| Philadelphia | 198,599.23 |
| Pike | 1,248.54 |
| Potter | 1,368.42 |
| Schuylkill | 18,022.77 |
| Snyder | 76.81 |
| Somerset | 3,574.15 |
| Sullivan | 546.61 |
| Susquehanna | 1,768.41 |
| Tioga | 1,696.19 |
| Union | 879.75 |
| Venango | 7,488.16 |
| Warren | 5,745.74 |
| Washington | 12,875.20 |
| Wayne | 2,044.13 |
| Westmoreland | 24,007.03 |
| Wyoming | 895.77 |
| York | 12,308.45 |
| Totals | $922,314.91 |

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Harkins, Ominsky and Stank asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—112

| | | | |
|---|---|---|---|
| Ackermann, | Fisher, | Krise, | Shearer, |
| Alspach, | Fiss, | Leisey, | Simons, |
| Atkins, | Fleming, | Leydic, | Sloan, |
| Auker, | Foor, | Lichtenwalter, | Snyder, |
| Balliet, | Freed, | Long, | Sollenberger, |
| Bennett, | Fullerton, | Lyons, | Stambaugh, |
| Boorse, | Gates, | Marr, | Stewart, |
| Bower, | Gillan, | McClester, | Stockham, |
| Boyd, | Gillette, | McGarrity, | Sweeney, |
| Bretherick, | Goll, | McKinney, | Tahl, |
| Bronson, | Habbyshaw, | McNally, | Taylor, |
| Brown, S. W., | Haines, | McVay | Terry, |
| Brunner, | Hall, | Montgomery, | Thistle, |
| Cadwalader, | Harbeson, | Moser, F. S., | Thompson, G. R., |
| Calvin, | Haudenshield, | Moser, J. L., | Tiemann, |
| Carpenter, | Henry, | Muir, | Trout, |
| Christler, | Hewitt, | O'Dare, | Van Allsburg, |
| Clearwater, | Hoffman, J. N., | Peacock | Van Belle, |
| Cooper, | Hoyt, | Peale, | Voorhees, |
| Cordier, | Huntley, | Reagan, | Watkins, |
| Cortese, | Imbrie, | Reese, D. P., | Webster, |
| Curran, | Irvin, | Riley | Wilson, |
| Dalrymple, | James | Robertson, | Winner |
| Dick | Johnston, | Rose, | Wood, H. M., |
| Dix, | Jones, | Roseberry, | Wood, N., |
| Donahue, | Kline, | Royer, | Woodside, |
| Eckels, | Knoble, | Sarge, | Yeakel, |
| Ely | Kowalski, | Serrill, | Turner, |
| Ewing, | | | Speaker. |

NAYS—62

| | | | |
|---|---|---|---|
| Achterman, | DeNote, | McLane, | Regan, |
| Andrews, | Downey, | Melchiorre, | Rider, |
| Baker, | Falkenstein, | Mihm, | Rothenberger |
| Balthaser, | Finnerty, | Mooney, | Schrock, |
| Bardes, | Furman, | Moran, | Schrope, |
| Boles, | Harkins, | Munley | Schwab, |
| Boose, | Hess, | O'Brien, | Skale, |
| Brancato, | Holland, | O'Connor, | Stank, |
| Broad, | Jirolanio, | O'Keefe, | Tarr, |
| Burns, | Keenan, | Ominsky, | Wagner, |
| Burris, | Kenehan | O'Neill, | Weiss, |
| Check, | Kilroy, | Powers, | Welsh, E. B., |
| Chervenak, | Levy, | Preston, | Welsh, M. J., |
| Clark, | Lovett | Readinger, | Westrick, |
| Cohen, H. B., | Malloy, | Reese, R. E. | Williams |
| Cohen, R. E., | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 6, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LONG. Mr. Speaker, possibly some members of the House have noted that I have voted for all the transfer bills up until now. However I believe that this might be a good time to explain just why and in just what manner I arrived at this decision. By the way, this is no sense an apology for my vote. I did not vote for this program of transfer because I thought it was a very wise program, nor do I think the majority members of the House, re-

gardless of party, consider this program to be conceived in wisdom, nor do they believe, nor do I, that the robbing and the diversion of funds of the Commonwealth is a wise solution for the problem that confronts us today. The problem we have is one that has been with us for some length of time. This problem has been faced in the past by Republicans as well as by Democratic administrations. It is a problem which unfortunately for us will continue to be with this Legislature, whether we as individuals are here or not. It is a problem that must be met eventually and must be solved honestly. Neither do I think that it is a solution that is courageous or that really tries to face the issue. Surely it is not the part of courage to continue to dodge a responsibility which we know confronts us at all times in this Legislature. This policy which we are continuing today is a policy which is very familiar to all Philadelphians; it is a policy which was pursued in the government of Philadelphia for the last twenty years and has put Philadelphia in such straits that eventually it was necessary in the City of Philadelphia in order to arrive at some solution of the imminent, impending and accumulative problem which diversion and avoidance caused that the authorities of the city of Philadelphia, in order to prevent an absolute break-down in the necessary services of the city to the people, had to levy a tax upon the wages of every person that earned a dollar in the city of Philadelphia, whether such person lived there or lived outside the city limits. Such a policy, I am afraid, in the state of Pennsylvania will eventually result in the accumulation of obligations which we have failed to meet which in the near future will force the administration to add upon the top of the burden of taxation, which is already here, new taxes to the Earle tax program which you have been forced to readopt. I am also afraid that with this accumulation of obligations which we have failed to meet that eventually the small portion of the burden which we are now throwing upon the local communities in order to solve this problem only temporarily, will eventually lead in its inevitable logic to the placing of a portion of the burden of relief upon the local communities at the next session of the Legislature. We all know that the local communities, with their limited field of taxation, will not be able to take up any appreciable share of the burden of sustaining this problem of relief in Pennsylvania. We, therefore, should hesitate before we pile up obligations which might force upon this Assembly the necessity of calling upon the communities to take care of a part of the burden of sustaining relief recipients.

I am also afraid that if that comes to pass the logical corollary of such a solution will be that where the money comes from control will go, and eventually we will have to have the control of relief as well as distribution and administration in the local communities subject to politics which too often unfortunately creep into the administration in local communities in the state. I know that Philadelphia, having just burdened its citizens with the wage tax in order to pay for such a policy of delay and procrastination, that the people of the city of Philadelphia will hardly be in a position at the next session of the Legislature to take on top of that burden of taxation a share of the responsibility for the support of relief in Pennsylvania.

I recall about two years ago I was out in front of the Capitol when His Excellency the Governor was inaugurated. He made a very fine speech that day. There was one particular point in that speech that appealed to me. He pledged to the people of the Commonwealth of Pennsylvania that in the future in his administration the three parts of the government would be integral, and independent acting bodies. He pledged to the people of this state that at no time, in any way, would he restrict the action of the Legislature in carrying out its duties; that the executive department, contrary to what he thought was practiced during the Earle Administration, would adopt a policy of hands off the Legislature, so that they could continue as a deliberative body in the several departments which are justly and constitutionally theirs. I was rather surprised when I received my copy of the call of his Excellency the Governor to this Legislature to convene in special session, that in a layman's language the Governor said this, "I am calling you together to provide and to appropriate approximately seventy-three million dollars for the needy and for the Department of Public Assistance and its administration in this emergency; I am telling you in this call that the only way I will permit you, the Legislature, to provide that money is by robbing every fund in which there are funds and in which we may anticipate that there will be funds during this biennium".

No alternative program is permitted to us within that call. We are no a deliberative body at this session in the sense that we are not permitted to consider any alternative program to this diversion and robbing of funds. His Excellency the Governor not only tells us how much money we must raise but he directs us as to the specific manner in which we must raise it. He closes to us every other approach for a real solution of the problem which we must face not only now but in the future. Not only that but it seems peculiar to me that the administration not only should deny to me, a member of the minority, the right to propose an alternative program to this stop gap and illy-considered policy, but His Excellency the Governor did not show enough confidence in the Republican leadership of the Assembly to give them any opportunity to formulate any alternative to this illy-advised program. With a clear cut majority in this House, under able leadership, with a majority in the Senate, His Excellency the Governor had so little confidence in the Republican program, and in his efforts to keep the Republican party in line behind him that he closed every door and every method by which, not only we, the minority could offer a solution, but by which the Legislature itself, controlled by the Republican party, could offer any solution. It appears to me, gentlemen, in a non-political consideration of this problem, and I believe that the members who have served with me for the last three terms will bear me out, that in consideration of relief problems, I have always tried to divorce political considerations entirely from my thoughts.

I wish to caution the Republican majority of this House, as I cautioned them in the last administration during the consideration of a similar ill-advised bill, in regard to which your Governor left you holding the bag, and for the same reasons I gave you then I appeal to you not to hold the bag on a program of this kind. The Governor cannot, nor has he the authority under the Constitution to provide the funds at this session or the next session to really solve this problem. The obligation and the constitutional duty is yours. I appeal to you that you try to meet your obligation and that every effort be made to induce His

Excellency the Governor to relinquish the stand he has taken, and by every possible means to see if there isn't some way by which he can restore to this body its rights under the Constitution and its moral obligation to provide the funds by taxation for the appropriations which it makes.

I, therefore, appeal to the membership regardless of party, that this be given very serious thought and consideration over the next week end, and when we come back it might be possible that some real solution or at least some real constructive approach to the solution of this problem might be arrived at by next week.

Mr. SCHROPE. Mr. Speaker, I only desire to say a few words as to how this bill affects Schuylkill county. In the first six months of 1939 Schuylkill county received sixty-eight thousand dollars plus of the liquid fuel tax, and in the last six months of 1939 they received seventy-nine thousand dollars or a total of one hundred and forty-seven thousand dollars. There will be due to Schuylkill County at the end of this month approximately seventy thousand dollars.

This afternoon the president of the Board of County Commissioners of Schuylkill county, which is a Republican board of county commissioners, was in here and informed me that the minute this bill becomes a law the county commissioners will notify the Highway Department that they will incur no more deficits for state highways in Schuylkill county until this liquid fuel tax is paid, in view of the fact that they have set up their budget and the only way they can meet it would be to delay the highway program or curtail expenses. For that reason I presume there are many counties which are in the same situation, and if the attitude of the Schuylkill county commissioners which is a Republican board of commissioners is thus, I feel that there are other county commissioner boards which are in the same situation, which naturally will mean possible curtailment of their highway programs, if there is any planned for Schuylkill county.

Mr. Speaker, just one matter which has not been brought up in any of these bills comes to my mind very vividly. Those members who have been here during the Pinchot administration and the Earle administration, especially the members who were on the Ways and Means committee, and the Appropriations committee of which I happened to be a member, will recall the flood of telegrams which the motor clubs brought in here. I recall that the Ways and Means committee met in here and you could hardly get in. You will recall the Keystone Motor Club coming in and protesting against these gas tax transfers. Now, I have been wondering and I asked the majority floor leader last night, who is a member of the Keystone Motor Club, and so am I, where those members are now, that they are not here to protest. I have always contended and I was told that the officers of the Keystone Motor Club and that motor club is nothing more than simply an organization which is an auxiliary of the Sun Oil Company, and I wouldn't doubt but what that connection is the reason that the Keystone Motor Club is sitting idly by when all these transfers of funds are being made from the motor funds because of such close connection with the Sun Oil Company. For one thing I certainly think we should compliment the Republican party that they were able to get a bunch of suckers like myself into their clubs, because I am a member of that club. The very fact that they have failed to appear here seems to me to be very evident that there is some connection between these motor clubs and the various oil companies, who naturally belong to the majority party of the state. I thank you.

Mr. HOLLAND. Mr. Speaker, it looks as if Jesse James rides again, but this time he rides into the counties and without a gun or a horse takes from the counties seven million dollars which rightfully belongs to them. Personally I think that this seven million dollars which is returned to the counties is not enough because today with the increased motor traffic, especially heavy trucks, no county or no municipality can ever maintain their roads or their streets out of real estate taxes. I read in one of the out-of-state papers this morning of the great exploits of our Governor, how he had saved enough money to be able to call a special session and transfer funds without levying taxes. Of course, no doubt, in the next issue of the Saturday Eveninng Post this may appear. I do not believe that this faker Governor James, who wants to balance the budget and save money at the expense of the local governments, at the expense of the federal governments, should be permitted to go on.

Take, for instance, in Allegheny County. In Allegheny County Jesse James rides into our county and steals out of our treasury the sum of $1,024,261, and he says to our County Commissioners, and we are very proud to boast that we have the best County Commissioners that Allegheny County ever had, which was proven at the last election, he says to our County Commissioners, "I want that money". Yes, he may say it in other words, he may say it in a more refined way, but he says in ordinary street parlance, "The hell with your County Commissioners and your budget."

So I say to you, when you take this one million dollars away from Allegheny County and tell Allegheny County that they must go to the bankers and borrow that money, that Allegheny County must pay interest on that money, because you members of the House are not showing your ability as Legislators by sitting here and demanding that Governor James either amend his call or admit to you and me that he is wrong. Let me tell you that at the present time real estate owners of the state of Pennsylvania are being taxed over six million dollars for the handling of traffic. You haven't shown any consideration in relieving them of their taxes. But, my friends, you are now going back and saying, "We are taking the one million dollars that you should have because Jesse James wants it."

I say to the members from Allegheny County who are sitting in this House on the Republican side that your vote on this bill will insure that every one of you will be replaced by Democratic members because I know what the feeling and sentiment of the Allegheny County taxpayers is and they are not going to stand for this deliberate steal by this present Governor who faked himself into office.

Mr. ACHTERMAN. Mr. Speaker, the Governor of Pennsylvania in his speech on Monday evening spoke to the effect that all that was necessary to do was to take the money out of one pocket and put it in another. But this particular piece of legislation that he has pushed before us does not do that. First of all, it proceeds to pick the pocket of every board of county commissioners in the state of Pennsylvania. He is not taking it out of his pocket, and by his pocket I mean the pocket of his ad-

ministration, but on the contrary he is taking it from the county commissioners of our various counties. He is doing it perhaps in a polite way but in order to do it he must declare a moratorium in so far as the sacred obligation is concerned in the payment of the just debts of the county commissioners of our counties. Every one of the boards of county commissioners in this state have prepared their budgets, they have anticipated their revenues and they have also anticipated their expenditures. In order to make their budgets balance they have proceeded to levy taxes on the rea estate in their county, but forget not that each one of these boards anticipated revenues from the liquid fuel fund. Now, they are going to find that when June, just next month, arrives, that certain revenues that they expected, and I will give you the amounts, will not be paid to them, but as a matter of fact payment will be delayed for one entire year. And what does that do to the county commissioners? It does this: it means that the work they contemplated doing in their counties cannot be done; it means that their program must be curtailed; it means they are placed in a position that their budget is not balanced, and that they must go before their people and say, "We are sorry we cannot pay our bills."

I realize that the majority floor leader made reference to the fact that the commissioners can proceed to borrow money on these anticipated revenues that they are to receive some time next year, if ever. He bases that upon an opinion from some Deputy Attorney General. Let us figure just what facts that Deputy Attorney General must have used to come to his conclusion. Then imagine a board of bankers granting a loan. What do we have? We have in the first instance a law that the Legislature is going to divide a certain liquid fuel tax with the counties, one half a cent a gallon on every gallon sold. Then we have the same Legislature coming along and saying, "We are not going to pay that money now although under the law, we should; we are not going to pay it for one entire year." We also have the fact that the next Legislature may repeal the law which grants the counties the money and may also say, "No, we will not pay that money." It is on such uncertain facts that the Deputy Attorney General renders an opinion stating, "You can borrow money on such anticipated revenue."

You realize, gentlemen, if the county commissioners can borrow money they are going to borrow it on their credit and not on anything so uncertain, so fanciful as the receipts from these particular funds concerning which we are debating. Of course you realize that in certain instances, in certain cases, perhaps it is pretty general throughout the state that the counties have reached the limit of their borrowing capacity and will no longer be able to borrow further funds. That is the state of affairs and the condition in the counties of Pennsylvania, and that is what your Governor would have you do to your county and to every county in this state, not only have them operate the affairs of their counties but to do it while they are "in the red." For what purpose? For the purpose of helping assist him balance the budget which he should have balanced in 1939. In order to accomplish it he has declared a moratorium, and in order to satisfy the people that he is doing something proper he says, "All I am doing is putting my hand in one pocket, taking the money out of that pocket and putting it into another pocket." Now, you go back to your county and try to explain to them how he has done that very thing with your board of county commissioners. Very true, he has stuck his hand in someone's pocket, he has put it in the pocket of your county commissioners, but believe me you, he is not turning around and putting it back into the other pocket of your county commissioners. Oh, no. This time he is putting it into the pocket of Arthur James. That it is unsound financing, that it is not wise legislation must be apparent to you.

May I use an example from our own board of county commissioners. Practically all the moneys they receive from the liquid fuel tax is in turn allocated to the various boards of supervisors in our county for the purpose of placing them in the position that they may sponsor WPA projects, to employ those who are on relief, but in the absence of that money that program of necessity will be curtailed in our county. It does not give the supervisors the money and they in turn cannot sponsor programs. Of course I will admit that your majority floor leader will say, "Why don't WPA help us?" WPA will help you if you are willing to be helped by them, but if you destroy the source from which your municipalities would be able to help and they are not able to help, are not able to sponsor programs, then I am saying to you men, all you are going to do is to increase the relief load and you will receive nothing in return.

For the sake of the record, Mr. Speaker, I submit a statement of the amount of money that the various counties in Pennsylvania received from this fund during the calendar year 1939. I believe the members of this House have every right to assume that that amount, which is in excess of seven million dollars, will be received during the year of 1940, just for the record, Mr. Speaker, to disclose the amount of the steal.

LIQUID FUELS TAX REFUNDS TO COUNTIES

Showing the last two payments covering:

| | Dec. 1, 1938 to May 31, 1939 | June 1, 1939 to Nov. 30, 1939 |
|---|---|---|
| Adams | $ 19,924 | $ 23,009 |
| Allegheny | 475,336 | 548,925 |
| Armstrong | 23,307 | 26,914 |
| Beaver | 47,721 | 55,108 |
| Bedford | 16,746 | 19,341 |
| Berks | 103,251 | 119,232 |
| Blair | 49,826 | 57,542 |
| Bradford | 21,284 | 24,578 |
| Bucks | 45,811 | 52,909 |
| Butler | 36,776 | 42,473 |
| Cambria | 54,761 | 63,236 |
| Cameron | 2,416 | 2,791 |
| Carbon | 18,573 | 21,449 |
| Centre | 21,292 | 24,538 |
| Chester | 69,781 | 80,584 |
| Clarion | 13,229 | 15,280 |
| Clearfield | 26,957 | 31,016 |
| Clinton | 11,587 | 13,384 |
| Columbia | 19,568 | 22,600 |
| Crawford | 28,288 | 32,668 |
| Cumberland | 33,904 | 39,155 |
| Dauphin | 71,568 | 82,648 |
| Delaware | 111,382 | 128,632 |
| Elk | 10,377 | 11,983 |
| Erie | 82,249 | 94,970 |
| Fayette | 58,049 | 67,040 |
| Forest | 1,839 | 2,124 |
| Franklin | 29,075 | 33,565 |
| Fulton | 4,193 | 4,842 |
| Greene | 12,996 | 15,008 |
| Huntingdon | 14,772 | 17,057 |
| Indiana | 26,316 | 30,389 |

| | | |
|---|---|---|
| Jefferson | 17,616 | 20,343 |
| Juniata | 6,295 | 7,269 |
| Lackawanna | 87,380 | 100,912 |
| Lancaster | 90,852 | 104,906 |
| Lawrence | 34,859 | 40,252 |
| Lebanon | 27,172 | 31,385 |
| Lehigh | 78,339 | 90,462 |
| Luzerne | 120,410 | 139,063 |
| Lycoming | 41,951 | 48,454 |
| McKean | 27,657 | 31,940 |
| Mercer | 38,552 | 44,516 |
| Mifflin | 15,887 | 18,347 |
| Monroe | 22,263 | 25,740 |
| Montgomery | 136,112 | 157,191 |
| Montour | 4,659 | 5,382 |
| Northampton | 64,026 | 73,944 |
| Northumberland | 43,019 | 49,680 |
| Perry | 9,590 | 10,971 |
| Philadelphia | 519,421 | 599,926 |
| Pike | 4,218 | 4,871 |
| Potter | 7,772 | 8,975 |
| Schuylkill | 68,485 | 79,085 |
| Snyder | 8 169 | 9,433 |
| Somerset | 24,641 | 28,455 |
| Sullivan | 3,124 | 3,607 |
| Susquehanna | 11,366 | 13,126 |
| Tioga | 14,260 | 16,473 |
| Union | 6,314 | 7,293 |
| Venango | 30,988 | 35,781 |
| Warren | 17,018 | 19,653 |
| Washington | 65,761 | 75,944 |
| Wayne | 11,899 | 13,742 |
| Westmoreland | 94,908 | 109,596 |
| Wyoming | 10,572 | 12,209 |
| York | 72,696 | 83,953 |
| TOTALS | $3,401,265 | $3,927,953 |

Mr. HERBERT B. COHEN. Mr. Speaker I am going to do something this evening that I do not believe I have ever done in my legislative career. I am going to read a speech.

The SPEAKER. The gentleman from York, Mr. Cohen, asks leave to read a written speech.

Mr. HERBERT B. COHEN. Mr. Speaker, the reason I am going to read the speech is because it is a good speech. At this very moment, in Allentown, Pa., Honorable David L. Lawrence, Chairman of the Democratic Party, and lately the subject of false accusations at the hands of various Republican ward healers, and recently twice vindicated by a Republican jury—

## POINT OF ORDER

Mr. WOODSIDE. Mr. Speaker, in this filibuster that has been going on we have been very liberal permitting everybody to speak on the question even down to the listing of the boroughs and townships in their own districts. I rise to a point of order at this time.

The SPEAKER. The gentleman from Dauphin will state his point of order.

Mr. WOODSIDE. Mr. Speaker, the gentleman is not debating the matter before the House.

Mr. HERBERT B. COHEN. Mr. Speaker, I am introducing the speaker of the evening who will speak on the subject matter before the House.

The SPEAKER. The gentleman will proceed and the gentleman from Dauphin can renew his point of order when the gentleman has started the speech.

Mr. HERBERT B. COHEN. As I said, the speaker of the evening at this very moment, twice vindicated, ditto, ditto, ditto, is in Allentown addressing the annual convention of the Pennsylvania Federation of Democratic women.

Ladies and gentlemen of the House, I give you the Honorable David L. Lawrence.

Mr. WOODSIDE. Mr. Speaker, I move the previous question.

The motion was seconded by Messrs. Habbyshaw, Alspach, Norman Wood, Serrill, Muir, Trout Gillette, Hall, Royer, Vinner, Ackermann, Yeakel, Schrock, VanAllsburg, Stewart, Terry, Haudenshield, Tahl, Boyd, Peale, Herford Wood, McKinney and others.

## MOTION TO ADJOURN

Mr. JIROLANIO. I move, Mr. Speaker, that this House adjourn until tomorrow morning at nine-thirty o'clock a. m. and I ask for a roll call.

The SPEAKER. There is nothing in order but the question on the motion of the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. More than twenty members having seconded the motion,

On the question,

Shall the main question be now put?

## CALL OF THE HOUSE

Mr. ANDREWS. I raise the point of no quorum, Mr. Speaker, and I ask for a poll of the House.

The SPEAKER. The call of the House is requested by the gentleman from Cambria, Mr. Andrews.

The Sergeant-at-Arms will close the doors of the House. Members will take their seats and will answer present to their names as the roll is called. No person shall be permitted to leave the hall of the House during the calling of the roll. Members may be admitted.

Mr. TAHL. Mr. Speaker, do I understand that the gentleman from Cambria raises the question that there is no quorum present?

The SPEAKER. That is correct.

The roll was called and the following members answered to their names:

PRESENT—169

| | | | |
|---|---|---|---|
| Achterman, | Finnerty, | Lichtenwalter, | Schwab, |
| Ackermann, | Fisher, | Long, | Serrill, |
| Alspach, | Fiss, | Lovett, | Shaw, |
| Andrews, | Foor, | Lyons, | Shearer, |
| Atkins, | Freed, | Madden, | Simons, |
| Baker, | Fullerton, | Malloy, | Skale, |
| Balliet, | Furman, | Marr, | Sloan, |
| Balthaser, | Gates, | McClester, | Snyder, |
| Bardes, | Gillan, | McGarrity, | Sollenberger, |
| Bennett, | Gillette, | McKinney, | Stambaugh, |
| Boney, | Goll, | McLane, | Stank, |
| Boorse, | Habbyshaw, | McNally, | Stewart, |
| Boose | Haines, | Mihm, | Stockham, |
| Bower, | Hall, | Mooney, | Sweeney, |
| Boyd, | Harbeson, | Moran, | Tahl, |
| Bretherick, | Harkins, | Moser, F. S., | Tarr, |
| Broad, | Haudenshield, | Moser, J. L., | Taylor, |
| Bronson, | Henry, | Muir, | Terry, |
| Brown, S W., | Hess, | Munley, | Thistle, |
| Brunner, | Hewitt, | O'Connor, | Thompson, G. R., |
| Burns, | Hindman, | O'Dare, | Tiemann, |
| Burris, | Hocke, | Ominsky, | Trout, |
| Cadwalader, | Hoffman, J. N., | Peale, | Van Allsburg, |
| Carpenter, | Holland, | Powers, | Van Belle, |
| Check, | Hoyt, | Preston, | Voorhees, |
| Chervenak, | Huntley, | Readinger, | Wagner, |
| Christler, | Imbrie, | Reagan, | Walsh, |
| Clark, | Irvin, | Reese, D. P., | Watkins, |
| Clearwater, | James, | Reese, R. E., | Webster, |
| Cohen, H. B., | Jirolanio, | Regan, | Weiss, |
| Cohen, R. E., | Johnston, | Rider, | Welsh, E. B., |
| Cordier, | Jones, | Riley, | Welsh, M. J., |

| | | | |
|---|---|---|---|
| Corrigan, | Keenan, | Robertson, | Westrick, |
| Cortese, | Kenehan, | Rooney, | Williams, |
| Curran, | Kilroy, | Rose, | Wilson, |
| Dalrymple, | Kline, | Roseberry, | Winner, |
| Denman, | Knoble, | Rothenberger, | Wood, H. M., |
| Dick, | Kowalski, | Royer, | Wood, L. H., |
| Dix, | Krise, | Sarge, | Wood, N., |
| Donahue, | Leisey, | Sarraf, | Woodside, |
| Eckels, | Levy, | Schrock, | Yeakel, |
| Ely, | Leydic, | Schrope, | Turner, |
| Falkenstein, | | | Speaker. |

The SPEAKER. One hundred sixty-nine members having answered to the call a quorum is present. The House will proceed with its business.

## MOTION TO ADJOURN

Mr. JIROLANIO rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. JIROLANIO. I rise, Mr. Speaker, for the purpose of making a motion that this House adjourn until tomorrow morning at nine-thirty o'clock a. m. Eastern Standard Time.

The motion was not agreed to.

On the question recurring,

Shall the main question be now put?

The SPEAKER declared the ayes appeared to have it,

Whereupon,

A division was called for, one hundred nineteen members having voted in the affirmative and sixty in the negative, the question was determined in the affirmative and the motion was agreed to.

On the questiong recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Achterman, Ominsky and Skale asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—111

| | | | |
|---|---|---|---|
| Ackermann, | Fiss, | Krise, | Simons, |
| Alspach, | Fleming, | Leisey, | Sloan, |
| Atkins, | Foor, | Leydic, | Snyder, |
| Auker, | Freed, | Lichtenwalter, | Sollenberger, |
| Bailliet, | Fullerton, | Lyons, | Stambaugh, |
| Boorse, | Gates, | Marr, | Stewart, |
| Bowen, | Gillan, | McClester, | Stockham, |
| Boyd, | Gillette, | McGarrity, | Sweeney, |
| Bretherick, | Goll, | McKinney, | Tahl, |
| Bronson, | Happyshaw, | McNally, | Taylor, |
| Brown, S. W., | Haines, | Montgomery, | Thistle, |
| Brunner, | Hall, | Moser, F. S., | Thompson, G. R., |
| Cadwalader, | Harbeson, | Moser, J. L., | Tiemann, |
| Calvin, | Haudenshield, | Muir, | Trout, |
| Carpenter, | Henry, | O'Dare, | VanAllsburg, |
| Christler, | Hewitt, | Peacock, | Van Belle, |
| Clark, | Hocke, | Peale, | Voorhees, |
| Clearwater, | Hoffman, J. N., | Reagan, | Wagner, |
| Cordier, | Hoyt, | Reese, D. P., | Watkins, |
| Cortese, | Huntley, | Riley, | Webster, |
| Curran, | Imbrie, | Robertson, | Wilson, |
| Dalrymple, | Irvin, | Rose, | Winner, |
| Dick, | James, | Roseberry, | Wood, H. M., |
| Dix, | Johnston, | Royer, | Wood, L. H., |
| Donahue, | Jones, | Sarge, | Wood, N., |
| Eckels, | Kline, | Schrock, | Woodside, |
| Ely, | Knoble, | Serrill, | Yeakel, |
| Fisher, | Kowalski, | Shearer, | Turner, |
| | | | Speaker. |

NAYS—61

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | McLane, | Rooney, |
| Andrews, | Finnerty, | Melchiorre, | Rothenberger, |
| Baker, | Furman, | Mihm, | Sarraf, |
| Balthaser, | Harkins, | Mooney, | Schrope, |
| Bardes, | Hess, | Moran, | Schwab, |
| Boney, | Hindman, | Munley, | Shaw, |
| Boose, | Holland, | O'Brien, | Skale, |
| Broad, | Jirolanio, | O'Connor, | Stank, |
| Burns, | Keenan, | Ominsky, | Tarr, |
| Burris, | Kenehan, | O'Neill, | Terry, |
| Check, | Kilroy, | Powers, | Weiss, |
| Chervenak, | Levy, | Preston, | Welsh, E. B., |
| Cohen, H. B., | Long, | Readinger, | Welsh, M. J., |
| Cohen, R. E., | Lovett, | Reese, R. E., | Westrick, |
| Denman, | Madden, | Regan, | Williams, |
| Downey, | Malloy, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## POINT OF INFORMATION

Mr. KILROY. Mr. Speaker, I rise to a point of information.

The SPEAKER. The gentleman from Philadelphia will state his point of information.

Mr. KILROY. Mr. Speaker, were we voting on the motion of Mr. Woodside?

The SPEAKER. For the information of the gentleman from Philadelphia, you were voting on the Bill, No. 6. The motion of Mr. Woodside had already been voted upon.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 7, entitled:

An Act to amend the act, approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-three), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by the Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. HERBERT B. COHEN. Mr. Speaker, I just wish to briefly interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I am not thoroughly acquainted with the purpose of this bill and its effect upon State College. Would the gentleman from Dauphin be kind enough to explain whether vitiating of the appropriation made to State College for the payments of rentals to the General State Authority in any way affects the occupancy of the State College buildings?

Mr. WOODSIDE. It will not, Mr. Speaker. It is the other way around. Occupancy affects the appropriation.

Mr. HERBERT B. COHEN. Mr. Speaker, I did not hear the gentleman.

Mr. WOODSIDE. Mr. Speaker, in answering the gentleman, I understood that he asked whether the reduction

in the appropriation will affect the occupancy of the buildings at State College. I said it will not; it was occupancy of the State College buildings, or rather the lack of occupancy, which makes possible the reduction of the appropriation; it is exactly the reverse of what the gentleman said.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman from Dauphin when the buildings erected by the General State Authority at State College will be occupied by the College?

Mr. WOODSIDE. I don't think, Mr. Speaker, that that is known.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman from Dauphin know whether the buildings are finished?

Mr. WOODSIDE. I am not positive, Mr. Speaker, whether they are finished. I think they are, but not occupied. As I understand it, the gentleman when he was on the General State Authority, did not make provision for the furnishing of the building.

Mr. HERBERT B. COHEN. Mr. Speaker, may I inquire of the gentleman if he knows when they were finished?

Mr. WOODSIDE. Mr. Speaker, I don't know when they were finished but I know that provisions were not made for furnishing them and there was considerable work to be done in order to complete them.

Mr. HERBERT B. COHEN. Mr. Speaker, I am glad to have the opportunity to discuss my position in this matter, and I am particularly glad that the gentleman has accused me of not providing the funds necessary to furnish the State College buildings. I know that he didn't mean that I should provide the funds out of my personal pocket, out of my personal funds, but nevertheless, in my legislative capacity I wish to explain that the funds were susceptible of application, and would have been spent to furnish the buildings at State College, if the gentlemen on the other side had not ripped me out of office.

It is very lamentable and I think that this particular bill crystallizes the so-called savings of the James administration.

We have in State College what I consider one of the most admirable institutions in the entire nation. At State College the General State Authority has built a set of buildings that makes the college a university. They have been finished at least seven months, susceptible of occupation for the past academic year, then Arthur James and his administration comes in and saves money. Now, I don't know whether it is good housekeeping or not to save money by not taking advantage of buildings, by not taking advantage of facilities, by not taking advantage of certain physical properties, but due to indolence, reluctance, and a desire to save, the buildings at State College have been standing empty when thousands of Pennsylvania youths are knocking at the doors of the institution trying to get admitted in an effort to better equip themselves to face the problems of our society.

I spoke at length with my true and esteemed friend, the Speaker, and we very seriously discussed one of the problems with which this nation is confronted, namely, the fact that we had to go out and educate those on relief educate them to the possibility of earning their livelihood, and here we have an agency of education, built primarily to equip the young men and the young women to meet the economic problems with which they will be confronted, in an effort to take their daily sustenance, and we allow those buildings to stand idle. Men, that is not saving money, that is wasting the very backbone and stamina of this nation. Upon the shoulders of the youth of this country we must depend for our salvation and still we are saying to the youths of this country, to the thousands of them that are asking an opportunity to be educated, "No, the buildings won't be occupied because Arthur James must save". Gentlemen, he has not even saved his face in this situation, he has lost his face, he has lost the opportunity to provide for the youth, the one thing for which we all honestly and sincerely seek, an opportunity for education because with that we get the opportunity to evaluate.

Gentlemen, I am opposed to this bill. I personally feel that since the buildings have not been occupied, that from a strict actuarial sense he could have easily cut down this appropriation. The money won't be used for any payment of rental, but I am against the bill because I wish to voice my oppostiion to a policy which is manifestly wrong and governmentally incorrect, a policy that if followed will ruin and wreck the Commonwealth of Pennsylvania. Men, if you have any influence, knock at the Governor's door and tell him to occupy the buildings at State College as quickly as possible; tell him that in every single solitary county there are hundreds of boys and girls anxious to go to school and Governor James has been saying, "No".

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—113

| | | | |
|---|---|---|---|
| Ackermann, | Fleming, | Lyons, | Sollenberger, |
| Alspach, | Foor, | Madden, | Stambaugh, |
| Atkins, | Freed, | Marr, | Stewart, |
| Auker, | Fullerton, | McClester, | Stockham, |
| Balliet, | Gates, | McGarrity, | Sweeney, |
| Bennett, | Gillan, | McKinney, | Tahl, |
| Boorse, | Habbyshaw, | McNally, | Taylor, |
| Boose, | Haines, | Montgomery, | Terry, |
| Bower, | Hall, | Moser, F. S., | Thistle, |
| Boyd, | Harbeson, | Moser, J. L., | Thompson, G.R. |
| Bretherick, | Haudenshield, | Muir, | Tiemann, |
| Brown, S. W., | Henry, | O'Dare, | Trout, |
| Brunner | Hewitt, | Peacock, | VanAllsburg, |
| Cadwalader, | Hocke, | Peale, | Van Belle, |
| Calvin, | Hoffman, J. N., | Reagan, | Voorhees, |
| Carpenter, | Hoyt, | Reese, D. P., | Wagner, |
| Christler, | Huntley, | Riley, | Watkins, |
| Clark, | Imbrie, | Robertson, | Webster, |
| Cordier, | Irvin, | Rose, | Wilkinson, |
| Cortese, | James, | Roseberry, | Wilson, |
| Curran, | Johnston, | Royer, | Winner, |
| Dalrymple, | Jones, | Sarge, | Wood, H. M., |
| Denman, | Kline, | Schrock, | Wood, L. H., |
| Dix, | Knoble, | Serrill, | Wood, N., |
| Donahue, | Kowalski, | Shearer, | Woodside, |
| Eckels, | Krise, | Simons, | Yeakel, |
| Ely, | Leisey, | Sloan, | Turner, |
| Fisher, | Leydic, | Snyder, | Speaker. |
| Fiss, | Lichtenwalter, | | |

NAYS—59

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Melchiorre, | Rothenberger, |
| Andrews, | Finnerty, | Mihm, | Sarraf, |
| Baker, | Gillette, | Mooney, | Schrope, |
| Balthaser, | Goll, | Moran, | Schwab, |
| Boies, | Harkins, | Munley, | Shaw, |
| Boney, | Hindman, | O'Brien, | Skale, |
| Brancato, | Holland, | O'Connor, | Stank, |
| Broad, | Jirolanio, | O'Keefe, | Tarr, |
| Burns, | Keenan, | Ominsky, | Walsh, |
| Burris, | Kenehan, | O'Neill, | Weiss, |
| Check, | Kilroy, | Powers, | Welsh, E. B., |
| Cohen, H. B., | Levy, | Readinger, | Welsh, M. J., |
| DeNote, | Lovett, | Reese, R. E., | Westrick, |
| Donohoe, | Malloy, | Regan, | Williams, |
| Downey, | McLane, | Rider, | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 3, entitled:

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, the majority floor leader made some comments on this bill earlier today and I wish to supplement his remarks by stating that our inquiry indicated that there will be remaining in the Veterans' Compensation Fund the sum of $307,000 for such claims as might be presented during the remainder of the year. But in addition to that there is available some four million dollars of bonds that can be disposed of and used for the payment of claims of veterans in the event claims to that amount are presented, which is not conceivable. We think this perhaps is the only sound piece of legislation in so far as the transfer bills are concerned offered by Governor James, and since this is the only sound piece of legislation I am asking my colleagues to give it an O. K. If Governor James had only presented the rest of his program as soundly as this one we would have had no difficulty, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Leydic, | Sarge, |
| Ackermann, | Eckels, | Lichtenwalter, | Sarraf, |
| Allmond, | Ely, | Long, | Schrock, |
| Alspach, | Ewing, | Lovett, | Schrope, |
| Andrews, | Falkenstein, | Lyons, | Schwab, |
| Atkins, | Finnerty, | Madden, | Seif, |
| Auker, | Fisher, | Malloy, | Serrill, |
| Baker, | Fiss, | Marr, | Shaw, |
| Balliet, | Flanagan, | McClester, | Shearer, |
| Balthaser, | Fleming, | McGarrity, | Simons, |
| Bardes, | Foor, | McKinney, | Skale, |
| Bennett, | Freed, | McLane, | Sloan, |
| Bohn, | Fullerton, | McNally, | Snyder, |
| Boles, | Furman, | McVay | Sollenberger, |
| Boney, | Gates, | Melchiorre, | Stambaugh, |
| Boorse, | Gillan, | Mihm, | Stank, |
| Boose, | Gillette, | Montgomery, | Stewart, |
| Bower, | Goll, | Mooney, | Stockham, |
| Boyd, | Habbyshaw, | Moran, | Sweeney, |
| Brancato, | Haines, | Moser, F. S., | Tahl, |
| Bretherick | Hall, | Moser, J. L., | Tarr, |
| Broad, | Harbeson, | Muir, | Taylor, |
| Bronson, | Harkins, | Munley, | Terry, |
| Brown, H. S., | Haudenshield, | O'Brien, | Thistle, |
| Brown, S. W., | Henry, | O'Connor, | Thompson, E. F., |
| Brunner, | Hess, | O'Dare, | Thompson, G. R., |
| Burns, | Hewitt, | O'Keefe, | Tiemann, |
| Burris, | Hindman, | Ominsky, | Trout, |
| Cadwalader, | Hocke, | O'Neill, | VanAllsburg, |
| Calvin, | Hoffman, J. N., | Peacock, | Van Belle, |
| Carpenter, | Hoffman, S. K., | Peale, | Voorhees, |
| Check, | Holland, | Powers, | Wagner, |
| Chervenak, | Hoyt, | Preston, | Walsh, |
| Christler, | Huntley, | Readinger, | Watkins, |
| Clark, | Imbrie, | Reagan, | Webster, |
| Clearwater, | Irvin, | Reese, D. P., | Weiss, |
| Cohen H. B., | James, | Reese, R. E. | Welsh, E. B., |
| Cohen R. E. | Jirolanio, | Regan, | Welsh, M. J., |
| Cooper, | Johnston, | Reynolds, | Westrick, |
| Cordier, | Jones, | Rhodes, | Wilkinson, |
| Corrigan, | Kane, | Rider, | Williams, |
| Cortese, | Keenan, | Riley, | Wilson, |
| Curran, | Kenehan, | Robertson, | Winner, |
| Dalrymple, | Kilroy, | Rooney, | Wood, H. M., |
| Denman, | Kline, | Rose, | Wood, L. H., |
| DeNote, | Knoble, | Roseberry, | Wood, N., |
| Dick, | Kowalski, | Rosenfeld, | Woodside, |
| Dix, | Krise, | Rothenberger, | Yeakel, |
| Donahue, | Leisey, | Royer, | Turner, |
| Donohoe, | Levy, | | Speaker. |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 9, entitled:

An Act to amend the act, approved the ninth day of June, one thousand nine hundred thirty-nine (appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follow, viz:

YEAS—122

| | | | |
|---|---|---|---|
| Ackermann, | Ewing, | Leisey, | Sloan, |
| Alspach, | Fisher, | Leydic, | Snyder, |
| Atkins, | Fiss, | Lichtenwalter, | Sollenberger, |
| Auker, | Fleming, | Lyons, | Stambaugh, |
| Balliet, | Foor, | Madden, | Stewart, |
| Bardes, | Freed, | Marr, | Stockham, |
| Bennett, | Fullerton, | McClester, | Sweeney, |
| Boorse, | Gates, | McGarrity | Tahl, |
| Boose, | Gillan, | McKinney, | Taylor, |
| Bower, | Gillette, | McNally, | Terry, |
| Boyd, | Goll, | McVay, | Thistle, |
| Bretherick | Habbyshaw, | Montgomery, | Thompson, G. R., |
| Bronson, | Haines, | Moser, F. S., | Tiemann, |
| Brown, S. W., | Hall, | Moser, J. L., | Trout, |
| Brunner, | Harbeson, | Muir, | VanAllsburg, |
| Cadwalader, | Haudenshield, | O'Dare, | Van Belle, |
| Calvin, | Henry, | Peacock, | Voorhees, |
| Carpenter, | Hewitt, | Peale, | Wagner, |
| Christler, | Hocke, | Readinger, | Watkins, |
| Clearwater, | Hoffman, J. N., | Reagan, | Webster, |
| Cooper, | Hoyt, | Reese, D. P., | Weiss, |
| Cordier, | Huntley, | Riley, | Wilkinson, |
| Cortese, | Imbrie, | Robertson, | Wilson, |
| Curran, | Irvin, | Rose, | Winner, |
| Dalrymple, | James, | Roseberry, | Wood, H. M., |
| Denman, | Johnston, | Royer, | Wood, L. H., |
| Dick, | Jones, | Sarge, | Wood, N., |
| Dix, | Kline, | Schrock, | Woodside, |
| Donahue, | Knoble, | Serrill, | Yeakel, |
| Eckels, | Kowalski, | Shearer, | Turner, |
| Ely, | Krise, | Simons, | Speaker. |

NAYS—61

| | | | |
|---|---|---|---|
| Achterman, | Downey, | McLane, | Rooney, |

| | | | |
|---|---|---|---|
| Andrews, | Falkenstein, | Melchiorre, | Rothenberger, |
| Baker, | Finnerty, | Mihm, | Sarraf, |
| Balthaser, | Furman, | Mooney, | Scanlon, |
| Boles, | Harkins, | Moran, | Schrope, |
| Boney, | Hess, | Manley, | Schwab, |
| Brancato, | Hindman, | O'Brien, | Shaw, |
| Broad, | Holland, | O'Connor, | Skale, |
| Burns, | Jirolanio, | Ominsky, | Stank, |
| Burris, | Keenan, | O'Neill, | Tarr, |
| Check, | Kenehan, | Powers, | Walsh, |
| Chervenak, | Kilroy, | Preston, | Welsh, E. B. |
| Cohen, H. B., | Levy, | Reese, R. E. | Welsh, M. J., |
| Cohen, R. E., | Lovett, | Regan, | Westrick, |
| Corrigan, | Malloy, | Rider, | Williams, |
| DeNote, | | | |

The majority required by the Constitution having voted in the affirmative, the question we determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 10, entitled:

An Act to amend certain appropriation items contained in section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine"

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JIROLANIO. Mr. Speaker, the bill that we have now before us and in which the Governor of the State of Pennsylvania is asking the members of the General Assembly to take monies away from the various institutions is one of the most important bills and one of the most important pieces of legislation that we as legislators will be forced to act upon. Therefore, I believe we should consider this bill purely from the standpoint of humanity and forget for once in this entire day that we are either members of the Republican party or that we are members of the Democratic party.

In that very light I would like to take up the various sections of this bill and ask the members of the House to turn to page 6. There they will see that the institutions, namely the State Tuberculosis Sanatorium at Mt. Alto and the State Hospital for Crippled Children at Elizabethtown will be deprived of eight hundred and ninety-six thousand dollars.

Now, ladies and gentlemen of the Assembly, I believe you will all agree with me when I say to you that the reason for this special session is to give needed assistance and needed aid. I also say to you members of the Assembly that if there is any single person in the entire Commonwealth that needs assistance or needs sympathy and that needs help it is those persons who because of something beyond their control are the victims of this horrible disease tuberculosis. I do not know how many of you members of the House have come in actual contact with persons who suffer from this serious and dreadful disease, but fortunately or unfortunately, as a member of the House of Representatives, I have had various persons come to my office and ask me whether or not I could secure the admission of various persons of my particular constituency into the various hospitals provided by the Commonwealth of Pennsylvania.

Let me give you one concrete example. Some time in the month of January of 1939, I had a family by the name of Shilling come to see me to see whether or not I could get their son William Shilling admitted to a sanatorium. I did everything within my power and spent about six dollars in telephone calls. Six months elapsed, and that particular individual was told he would not receive admission to that particular institution because the institution had no room and because there were not enough beds to take care of those already there. I wrote a letter to the Governor of the state of Pennsylvania and told him that if that particular individual would die I would place the responsibility for his death at the footstep of the governor himself. Two days after that I received a letter that he would be admitted into the hospital. This was only after a period of six months had elapsed. That alone goes to show that a year ago in this state of ours we did not have a sufficient number of beds to take care of those persons who are sick and need assistance.

May I again refresh your memory and recall the time when Representative Check brought a man into this very House and pointed him out to you in that very corner. That particular individual was suffering from that dreadful disease, and for a period of one year he had been refused medical attention. Immediately after his speech he was notified that that particular gentleman was to be given treatment at one of the hospitals. For the information of the citizens of the Commonwealth of Pennsylvania and you members of the House, that man died three months after his admission, and I lay the death of that man solely upon the lack of the amount of money necessary for the various hospitals. That is just one subject to which every one of you in the House should pay strict attention. The total amount that you are trying to rob from various institutions amounts to four and one-half million dollars, and I ask of you conscientiously and earnestly, if you have someone that you love, someone that you know, and if you were not a member of the House, and he or she did not receive the proper medical attention that they needed, oh, I know how you would feel. Gentlemen, this is something serious. I did not get up in this entire session to attack any single bill and I am not attacking any single bill, I am only trying to paint the picture that actually exists in the Commonwealth of Pennsylvania, in refusing hospitalization to those persons who are suffering from this dreadful disease.

Let me say this, ladies and gentlemen of the House, as you proceed on Route 22 from Allentown to Harrisburg you pass the Hamburg institution, and in those grounds stand five buildings that have been put up with one purpose in mind, that persons suffering from that incurable and dreadful disease should receive hospitalization. Because of one man in this Commonwealth, who thought more of saving money than human life, those buildings are not being occupied today because they do not have a sufficient amount of money to furnish them. Under this very bill you are striking from the amount which they now receive to the tune of $896,000. Certainly it does not take an intelligent person to realize when they do not

have a sufficient amount of money at the present time to carry on their work, if you curtail their funds to the tune of $896,000 they cannot do their work in the proper manner it should be done.

Then we come to the mental hospitals and there the Governor of the state of Pennsylvania takes off three hundred and fifty thousand dollars. In the mental institutions where I have personal knowledge, the patients in those particular institutions had to sleep out in the hall because there was not a sufficiency of room space, and we as members of the Legislature are asked again to take away from them to the tune of three hundred and fifty thousand dollars. This is not a joking matter. You may laugh at anything else that has been before the House, but if you think that persons suffering from tuberculosis, persons who are feeble minded, persons who are epileptic is a laughing matter, then God forbid the discussion of anything else.

I happen to be, as you know, the first assistant district attorney of Northampton county and in that position have seen in the last few months applications from persons who had relatives whose minds were gone as you and I will say, they were crazy, and begged me as an assistant district attorney to try to get them in the mental hospital at Allentown, which is known as the Allentown State Hospital. In my capacity I tried to get them admission, because, God knows some of them needed hospitalization, and in every attempt I made, this is the answer I received: "I am sorry; we don't have any room and we don't have enough money to take care of anyone else, but if you can take one of the patients out and place them somewhere else, if your county commissioners will take one out, we will give you room in place of that particular patient that you take out." Now, that is a serious proposition when the Commonwealth of Pennsylvania spends five hundred million dollars every two years, and you cannot take care of that particular person who is suffering from a disease brought about by something beyond his control.

Then you come to those four state institutions, Laurelton State Village at Laurelton, the Pennhurst State School at Pennhurst, the Polk State School at Polk, and the Selinsgrove State Colony for Epileptics at Selinsgrove, all institutions for the epileptic and institutions of feeblemindedness. I wonder how many of you ever tried to get a young child in one of those institutions, ever tried to get admission for it? Have you ever tried? If you have you know, and down in your hearts you must answer that question that you could not receive admission, and then, we here in a state that is willing to spend seventy-three million dollars for relief, at the same time and in the same voice we are trying to take away from these people who need it more than anyone else, more than people on the relief rolls, four and one half millions of dollars. Do you realize that if you pass this bill, fourteen hundred beds will be taken away from institutions for tuberculosis? Do you realize that 1,170 persons will be deprived of hospitalization in mental hospitals? Do you realize that fourteen hundred persons will not be given the proper care in the various mental state institutions that I have already mentioned to you? Do you also realize in this very bill you are taking away the sum of twenty-five thousand dollars from the Department of Labor and Industry, which would go toward the rehabilitation of those persons who have lost a limb or a leg while engaged in their particular line of duty? Don't you think that as human beings those particular persons are entitled to something, certainly from the Department of Labor and Industry, which has been expressly set up for their particular benefit?

Then we come to the Department of Mines, and there they strike out two thousand dollars from the expenses of conducting the examination on applications for certificates of qualifications as mine foremen, assistant mine foremen, and fire bosses, which will tend to break down our system of examinations of mine inspectors, and so forth, which in the end will mean that politics will come in and break down the very thing that you are against. Then, as you go on, you will see where those persons, who, because of no fault of their own cannot speak or hear and are called deaf, and we in Pennsylvania provide an institution which is one of the best in the United States of America, where that particular individual can receive instruction, and from that very institution, which in December of 1939, I was refused admission for one of the children in my district, today you are asking us to strike off the sum of ten thousand dollars, which will deprive ten children of an education. Do you think that is right? Do you think that is human? This is one bit of legislation that requires human consideration.

Then, on top of it all, we have medical hospitals in the various coal regions and those particular hospitals are going to be deprived to the tune of fifty thousand dollars. They cannot give their services to those particular persons who are entitled to receive that particular service. Oh, ladies and gentleman of this assembly, there is something in this bill which makes me cry out for the needy, the blind, the deaf, the insane, and the tubercular who are being deprived of something while the Joint State Government Commission of this particular House is asking for a thirty-five thousand dollar increase. Yes, you can laugh. You don't have any feeling for those particular persons who are suffering from tuberculosis, who are feeble-minded when you are willing to spend thirty-five thousand dollars so that this Commission can have a good time. That is what we are going to do. We appropriated to the tune of thirty thousand dollars for a year and three months, and now they have only six more months to go and they are asking you and me to vote for an additional thirty-five thousand dollars. How can you consistently explain that? How can you say "we want to save money?" How can you say, "we want to cut the appriations of our institutions," and in the same breath and the same tune say, "Give us more money?"

Then they go to the Department of Education and there they are asking the elimination of $3000.00. Bear in mind while they are asking us to vote for this particular bill because it will save them three thousand dollars, Dr. James A. Newpher, director of the Bureau of Professional Licensure has received his discharge and Dorr E. Crosley has been appointed in his place at a five hundred dollar increase. Laugh that off, if you want to, it is in the records, but it is not a laughing matter. It is a laughing matter because you don't know anyone who needs help: it is a laughing matter, because you are all right, you are healthy, but it is not a laughing matter to anyone who has real American blood, and if you gentlemen of the House have a spirit of true patriotism and a true spirit of humanity in you, you will not vote for this bill, even though it means that the persons on relief will not receive four and

one half million dollars. I think you will be justified in opposing this bill, because those persons who were to be the beneficiaries of this sum could use it better than a relief recipient.

I might say, now, Mr. Speaker, that this is my swan-song speech. I have enjoyed the company of all of you and I hope you will vote against this bill.

Mr. WOODSIDE. Mr. Speaker, before any of the members on the other side get too much excited about this bill, I think they should understand what it does, and therefore in the hope that after understanding what it does they will confine their remarks to the issue. I would like to state just briefly that all of these savings to which the gentleman referred, or rather the reductions to which he referred in the Department of Health and the Department of Welfare, which relate to hospitals, schools and institutions of that sort, are all reductions in amounts which would have been paid by the Departments to the General State Authority, if the buildings had been furnished and taken over, so that there will be no reduction in the budgets to carry on these Departments. There will be no one deprived in the future of those things to which they were entitled as a result of these savings in the rentals. In other words, it is just bookkeeping. Instead of money being placed in the funds of the Departments and then being handed over to the General State Authority, that money is not handed over to the General State Authority because the buildings were not taken over and the rentals therefore not paid. The reason the buildings were not taken over, as I said before, is because the General State Authority had previously made no provision for the furnishing of these buildings and it was necesary to iron out some very important questions concerning the floating of bonds before the money could be obtained to take over the buildings, which was due to a lack of foresight on the part of the General State Authority before the Republican administration took over.

Now you gentlemen during the 1937 session voted on an expenditure of approximately seven hundred thousand dollars for a Commission and during the 1939 session you voted for an appropriation to the Joint State Government Commission of one hundred thousand dollars. That was cut down by the Governor to thirty thousand dollars, and is now being increased by thirty-five thousand dollars.

Mr. Speaker, never before in my experience have I known of the minority leaders to complain that the departments of the majority were not asking for sufficient money for salaries, but the gentleman today has very liberally suggested that the departments are not asking for sufficient money for the salaries of their employes, because that is the main reduction in all of the other items I referred to in my remarks.

Mr. JIROLANIO. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. JIROLANIO. Mr. Speaker, was the gentleman from Dauphin, Mr. Woodside, speaking about the bills we now have before us, or was he speaking about another bill?

Mr. WOODSIDE. Mr. Speaker, I am speaking about House Bill No. 10.

Mr. JIROLANIO. Mr. Speaker, will the gentleman from Dauphin inform me where in this particular bill he sees any mention that these particular funds of which you are depriving the various institutions would go to the State Authority?

Mr. WOODSIDE. Mr. Speaker, I am telling the gentleman how the total reduction in the Departments is possible and how the items are made up in our general appropriation bill, and how the items are set up. In a general appropriation bill you don't set forth how these particular items will be expended.

Mr. JIROLANIO. Mr. Speaker, is the gentleman from Dauphin acquainted with the Allentown State Hospital in the city of Allentown?

Mr. WOODSIDE. Mr. Speaker, I know there is one there; I am not acquainted with it.

Mr. JIROLANIO. Mr. Speaker, does the gentleman from Dauphin know that those buildings have been completed for over a year and a half?

Mr. WOODSIDE. Mr. Speaker, I don't know how long they have been completed. I do know that the General State Authority didn't have the foresight originally to make the proper appropriation for the furnishing of those buildings and that is why they were not opened.

Mr. JIROLANIO. Mr. Speaker, does the gentleman from Dauphin think that they could now be furnished with the money he is asking to be taken away from them?

Mr. WOODSIDE. Mr. Speaker, the buildings are being furnished; the money has now been provided.

Mr. JIROLANIO. Mr. Speaker, does the gentleman from Dauphin know that fifty-seven persons from Northampton County have been refused admission to the Allentown State Hospital in the last year?

Mr. WOODSIDE. Mr. Speaker, I do not know that. If the gentleman states it is a fact, I will certainly take his word for it. I might say it was the responsibility of the previous administration in not having the foresight to see that the furnishing of the buildings was provided for in time.

Mr. JIROLANIO. Mr. Speaker, does the gentleman from Dauphin know that five persons from Northampton County since January 1, 1940, have not been given hospitalization in tubercular hospitals?

Mr. WOODSIDE. No, Mr. Speaker, I do not know that to be a fact.

Mr. JIROLANIO. Mr. Speaker, would the gentleman from Dauphin blame that upon the Democratic administration also?

Mr. WOODSIDE. Mr. Speaker, to the extent that the buildings were not furnished and provision made for the furnishing of the buildings, yes.

Mr. JIROLANIO. Mr. Speaker, I would like to inquire of the gentleman from Dauphin how long the Republican administration has been in office?

Mr. WOODSIDE. Mr. Speaker, the gentleman knows as well as I do, at least I think he does.

Mr. JIROLANIO. That would be about eighteen months.

Mr. WOODSIDE. No, Mr. Speaker, the gentleman is wrong.

Mr. JIROLANIO. About sixteen months.

Mr. WOODSIDE. Approximately.

Mr. JIROLANIO. And in those sixteen months they haven't done anything to help these people to be housed, is that right?

Mr. WOODSIDE. Mr. Speaker, the Republican administration has done a great deal. They did not have control of the General State Authority at once.

Mr. HINDMAN. Mr. Speaker, on a previous occasion I found it necessary to assure you that there isn't anything political in what I have to say regarding the matter which we have before us. During all of my professional life, as I have stated before, I have devoted my time to caring for those who were in need and trying to conserve human life. I have almost gone the limit as far as my own physical condition has been concerned, always keeping in mind the condition of the suffering and the terrible condition of disease as it affects the human body. I do not care whether it be a Democrat or a Republican administration, I would assume the same position that I have assumed all during this administration regarding these hospitals and sanatoria about which the gentleman has been speaking. I cannot help that the Governor of this state happens to be a Republican, and that he happens apparently not to be interested in the human affairs of those who are insane, those who are suffering from tuberculosis. I am indeed surprised tonight to hear the majority floor leader attack this from a different viewpoint. Last spring he told us and it is a matter of record in the Legislative Journal, if and when there was a need for the tubercular sanatoria they would be opened. He did not raise the question he is raising here tonight. If you do not believe my statement look at your legislative record. Those were his very words or approximately what he said; tonight he is blaming this on the previous Democratic administration.

The Governor in his budget message made the statement that to open those institutions, at Butler particularly, at this time would be an unnecessary expense and that the patients could be ultimately cared for by additions to the present sanatoria. I am here to tell you tonight that the additions which have been made to the present sanatoria have not been occupied. I am here to tell you that you were told last spring by the Department of Health, you were told along in January that institutions were not needed. In April you were told that by October 1st the waiting list of tubercular patients would be entirely eliminated. When October 1st came, I want you to mark this, ladies and gentlemen of the House, because it comes from the Department of Health, on October 1st instead of there being something over six hundred cases on the waiting list there were considerable over eight hundred, and at that time the head of the Department of Health announced that this year in 1940 the tubercular sanatorium at Butler would be opened. Understand, ladies and gentlemen, these are the words of the representative of the administration in the Department of Health. But what happened in February? Instead of agreeing with the statement that he made in October he tells you that by May 1st of this year the cases will be adequately cared for in the present sanatoria. I am here to tell you that that is absolutely untrue. You men should go over the sixty-seven counties of the state, and take it up with the physicians in the various neighborhoods and ask them if they can get tubercular patients in today. I have in mind one woman who has been waiting for six whole months, and while I am not her physician I tried to get her admitted through other physicians who came to me. I was told the other day by a physician that they expected her to be dead before her admission. I am simply telling you this to show you that these people have been absolutely unfaithful and untrue. I know the members of this House so well, and I know the majority members well enough to know that they do not subscribe to that sort of thing. I know this, if you would go down into the hearts of the majority members on that side of the House, they would want that Sanatorium opened tomorrow for they believe, and I am sure they realize that there is a need for the institutions.

Ladies and gentlemen, I cannot for the life of me see why you will play with human life along this line because there is no person who knows how many deaths have been caused by reason of the fact that these institutions have not been opened. We have pointed out to you, members of the House time and again the necessity for early treatment and the necessity for getting these cases out of circulation, and you know that. It is also true that there has not been one single authoritative speaker, not one single group of authorities who will question the need for these institutions.

Only last week Dr. Marcy in charge of the tuberculosis hospital of Pittsburgh, made the statement that there was a burning need for the Butler sanatorium immediately. Also at the present time I would say to you men, that we have been having a great deal of crime, we have all been much perturbed, shocked and worried about the terrible crimes which were committed by a moron in a county not far distant, and I say to you in all sincerity that the responsibility of the members of this House so far as the conservation of human life is concerned far supercedes those tragic events about which we are talking so much at this present time. I say that in all sincerity because I do believe that the blame rests upon the administration and upon those whose shoulders the responsibility for neglecting these cases fall. When you talk about economy, it is not practical economy when it is at the cost of human life and human blood.

I would like to read an editorial, or a portion of an editorial which came to my notice this evening from the Pittsburgh Press which is headed "Mr. James' Savings." The editorial goes on to say:

> "Details of how Governor James added up the 4½ million dollars he claims as "economies" effected by his administration present a sorry spectacle.
>
> "The money mostly is to come from appropriations made last year by the Legislature to finance operations of the state's institutions for the mentally and physically sick and from subsidies to similar functions privately or semi-privately operated.
>
> "Bluntly put, this means Mr. James proposes looting essential state functions to accumulate funds for relief in a manner which will permit him to continue his self-styled candidacy for president on a platform of having saved money.
>
> "To call this 4½ million dollars "economies" is to attempt a fraud on the people of Pennsylvania. The list of appropriation items from which the Governor has chiseled this 4½ millions makes up a roll of dishonor.
>
> "Heading the list is $896,000 the Governor wants to take from the $4,400,000 appropriation for the state's tuberculosis sanitoria. And this, mind you, in face of the fact that the James Administration, even with the original fund, has not opened the new Butler institution despite a huge unfilled need for hospitalization of sufferers of the "white plague."
>
> "Another $350,000 is recommended to be taken from the money set up to run the state's insane hospitals, also overcrowded and understaffed. Three hundred and fifty thousand more Mr. James recommends be taken from the budgets of the institutions for mental defectives. And $157,000 more from the maintenance fund for state welfare institutions.
>
> "No amount has been too small for the Governor to overlook. Thus, he proposes taking away $4,000 from

the State Council for the Blind, $12,000 from the Soldiers' Orphans Home, $25,000 from the fund to help rehabilitate physically-handicapped persons and $50,000 from the state's medical and surgical hospitals.

"What this all adds up to is that Governor James proposes taking money from one class of those in need—tuberculars, the mentally ill, orphans, crippled children and paupers—and give it to another class of needy.

"But he calls doing this "economy" effected by his administration, and puts himself up front for the taxpayers to applaud. Surely, Pennsylvania voters cannot be taken in by such a trick!

"The Governor's proposals to take money set aside for counties, cities, boroughs and townships and upon which these municipalities are counting to balance their own budgets, and divert it to save himself from the wreckage his own short-change methods brought about, is bad enough.

"To attempt to chisel funds appropriated for long-established humanitarian purposes for this same purpose—and to do it with pious chantings of "economies"—is an insult.

"The news dispatches from Harrisburg indicate that the Democratic minority in the Legislature plans close scrutiny of each item in Governor James' program for refilling the relief till. We hope they will, and that they will decide to do "battle to the death" to defeat these proposals to rob the state's institutions for the helpless sick."

We have often heard the statement that an individual was mean enough to take the bottle away from a sick baby. I submit to you ladies and gentlemen, if we go along with this program, we are doing worse than taking the bottle from a sick baby. The article goes on to say:

"They represent nothing more than a vicious "way out" for the Governor from a dilemma of his own making—and a "way out" which will give him ammunition to continue his misleading claims in his race for the presidency.

"Republicans, too, we hope will join in this battle—at least those in the party who are not willing to trample all principles and honor on the doorstep of fake deficit financing and political expediency."

Ladies and gentlemen, I wish to insist that there is a need for these institutions; I wish to insist that it is unfair to unfortunate victims to take this money or divert this money when money is being used and when money is being flagrantly spent in other directions. I hold in my hands here an issue of the Saturday Evening Post. One issue of an advertisement in this Saturday Evening Post cost $9,545 and one issue in the Nation's Business cost $1,400 I have information from what seems to be a reliable source that one hundred and thirty-seven thousand dollars has been spent in advertising in these expensive periodicals.

I submit to you members of the House, how far would that one hundred and fifteen thousand dollars go in assisting these institutions which are intended to take care of those who are most unfortunate? None of us know when someone in our own families might be affected in that same way. I am sure that you all realize the importance of conserving these funds and directing them along the lines in which they should be directed. I do not wish to go into this matter any further except to say, let your conscience be your guide, do not be coerced into doing what I know many of you do not believe in. I know there are a lot of men in this House tonight who are just as anxious to see that these cases are taken care of as I am myself. I assure you there is nothing in the world that is closer to my heart than to try to do something for these poor, unfortunate and sick, as far as I can, as far as my physical strength will permit, to prevent people from getting sick. I hope you will think this over very carefully because I do believe if we do not make provision to take care of these unfortunates when the buildings are already there and ready for occupancy, we will suffer and our consciences certainly will give us a lot of trouble in later years. I do not think any Legislator has had a greater opportunity to do what is right and what is best for their fellow men than he has in this particular instance regarding these institutions. I hope you will endeavor to conserve these funds, if it is necessary as was suggested that a new call be issued in order that funds may be provided to take care of these unfortunate individuals. I thank you.

MR. FURMAN IN THE CHAIR.

Mr. LEVY. Mr. Speaker, as we review House Bills Nos. 2 and 3, and House Bills Nos. 4, 6 and 7 in my opinion the Republican leadership certainly went plenty low in their ideas of financing certain phases of this work, but in House Bill No. 10, the Republican leadership of the state reaches a new low. Present House Bill No. 10 seems to take from a certain group of individuals in the Commonwealth certain funds. Regardless of what the majority leader attempts to tell us, the Republican leadership is taking from a certain group of individuals funds which are positively needed to carry on for the rest of this biennium.

I remember full well in the regular session of 1939, that the Republican leadership on two occassions admitted that the appropriations to state tubercular and mental hospitals might have been insufficient, but the answer then was that the Governor was anxious to have the Legislature adjourn; that the Governor was anxious to carry through the regular session without additional taxes; that the Governor wanted to positively assure the people of the Commonwealth that he was going to live up to his campaign promises of 1938, when he definitely knew that he couldn't live up to them. We were assured then that in the event these appropriations were not sufficient, in a special session to follow, if that were to occur, or in the next regular session deficiencies would be appropriated in order to carry on the work of these worthwhile institutions. So we find ourselves, gentlemen, coming to a special session of the Legislature, called to appropriate money for relief which would not be confronting us now if the Governor had faced the issue in 1939. We predicted then, and predicted accurately, that the Legislature would not have to be summoned in special session had the Republican administration taken it upon themselves to appropriate sufficient moneys for relief. Now, even in view of the fact that he called a special session for this purpose, we find that the Governor is not only going to rob county commissioners, we find that the Republican leadership is not only going to rob every town and hamlet in Pennsylvania, but they are attempting to hit the lowest low, if such is possible, by hitting the sick, the maimed and crippled children of the Commonwealth of Pennsylvania, and possibly the law enforcement agencies of the Commonwealth.

I wonder if you men on the other side of the House have read this bill other than your majority leader. I wonder if any of you men know that there is a transfer of a quarter of a million dollars from the Department of

Revenue? The majority leader says this is certain money which was to go to the General State Authority. Upon interrogation he said it was not inserted in the bill but that is what the administration means. I don't know what he means and I doubt whether any man in this room can yet understand what the majority floor leader or the administration at Harrisburg today means when they say this is money that was supposed to be taken from certain funds. We never did it before and certainly the Republican administration is not starting anything new, because they haven't started anything new since January of 1939. I wonder if the Republican membership knows that the Department of Revenue appropriates certain money to the State Motor Police. I wonder if they realize that possibly with this bill, the functions of the State Police may be curtailed. I wonder where these representatives are from the county where two murders just took place, and the murderers have not been apprehended due to the inefficiency and inadequacy of the State Police. What assurance have we from the Republican administration today that this two hundred and fifty thousand dollar fund is not going to curtail some of the activities of the Motor Police?

I challenge the Republican leader to give us some assurance tonight before this bill is passed.

Then, we come down to the humanitarian institutions. I notice there is a transfer of eight hundred and ninety-six thousand dollars from the general operating expenses, mind you, no mention of transfer, no mention of funds from the General State Authority, the general operating expenses of the state tubercular sanatoria in the state of Pennsylvania, and also the State Hospital for Crippled Children. I wonder what assurance the Republican leader will give us tonight that the activities of those institutions will not be curtailed, even at as low an ebb as they are at the present time.

Talking about applications for admission to the institutions. Around the corner from my home in Philadelphia today I have two young boys, one fifteen and the other seventeen. I pleaded with Dr. Shaw, I came up to Harrisburg personally on two occasions to have them admitted into Cresson and I can't get anywhere. I have even gone so far as to enlist the services of a ranking member of the Republican party in Philadelphia to aid me, and I have now an assurance in the form of a letter that they will get them in when they can be admitted, without definite assurance of hospitalization. Here are two young boys just starting out in life, ruined because of the state's failure to maintain proper, efficient administration of the state tubercular homes.

We have in Philadelphia, and I don't know that you men know it, a city ordinance passed by a Republican city council that no tuberculosis case, after it has passed a certain stage, may be permitted to live at home. They must be put in an institution. We have an institution in Philadelphia, a municipal hospital, which is not equipped for a single case of tuberculosis, and yet they haul all these poor unfortunates down to the Municipal Court in Philadelphia like criminals, place them in a patrol wagon and haul them to the municipal hospital in Philadelphia, when they know at the time of going there they are not going to be treated for the particular disease which they have.

Mr. Speaker, that condition positively exists in Philadelphia. I say to you members when you encourage this thing that is going on, when you attempt to pass House Bill No. 10, depleting further the funds of state institutions such as these, you are only adding to the burden of Philadelphia which today cannot take care of such cases.

I believe the Republican party in Pennsylvania owed an obligation, if not to the people of Philadelphia, at least to its Republican politicians. I wonder if you men on the other side of the House know that Laurelton State Village for Girls is being cut? I wonder if you know that the institution at Pennhurst is being cut? I wonder if you know that the state mental hospitals in Pennsylvania are going to take it on the chin for three hundred and fifty thousand dollars? Oh, I know all about those rosy promises of the Governor in his speech last Monday evening. He didn't say anything about taking money from the state hospitals. He did take the time and trouble to tell you about the phony steal regarding WPA in Pennsylvania which he himself knows is not the fact. He didn't say anything about Pennhurst; he did not tell you anything about the insufficient amount for tubercular cases in Pennsylvania. No, he said, "Let us make this subject non-political." And political he made it, because he tied the hands of every member of the Legislature in Harrisburg tonight. He said, "I want such and such done and I want it done in a fast and speedy manner, so we can get the fellows out of here and talk about Republican politics." I tell you, gentlemen, that if one case is lost in Pennsylvania, either tubercular or mental, the blood of that particular case will lie on the Republican doorstep even though you may be in Philadelphia enjoying yourselves at the Convention.

I say, gentlemen, it is not fair. Let us face this issue squarely. Every one of you Republican members know this is not the way to get the money; you know this is not the fair way, it is not the reasonable way, it is not the way the Democratic administration appropriated it in the special session of 1936. You men who probably never read the record of the special session don't know what I am referring to, but I will tell you if you don't know. That session taxed for every penny that we appropriated for relief. We didn't chisel on relief, we appropriated sufficient according to estimates which experts gave us and not a political ward healer who today stands at the head of the Pennsylvania Department of Public Assistance. Only the other day I defied the Republican party to deny that the director of Public Health in Philadelphia, Mr. Blum by name, issued ten orders to every supervisor in Philadelphia on ways and means of cutting down relief, no matter who it hurt. Ten orders, and one of those was to keep a single person applying for relief waiting for three weeks so that they might discourage them, they might move out of Pennsylvania and go somewhere else.

Gentlemen of the Republican party, you are not fooling the people of Pennsylvania. The record that we make tonight will follow us long after we leave the halls of this House and the damage you do in these transfer bills will stay with the Republican party for years to come.

Mr. DONOHOE. Mr. Speaker, it is very seldom indeed that I get up on the floor to make what is known as a speech. However, as this is my maiden speech and also my swan song I claim a little latitude in my remarks.

From the debate I heard today on these various bills

I dedicate this song to you, Mr. Speaker, and members of the House, "We won't be home until morning."

To Mr. Woodside, the majority leader, who has claimed moneys will be forthcoming, which according to the Governor are here, I dedicate this little ditty, "The little man that wasn't there."

To his excellency, our Governor, who is aspiring to the presidency and who will be in Philadelphia in July,—we hope—then we can get a glimpse of him—if he is nominated as president, he will make the heads of the departments the scape-goats for the estimates they have given him, I dedicate this little song, "Where is my wondering boy James tonight?"

To the people of Pennsylvania who have put him where he is, and not where he belongs, I give them this admonition, and I know that our actual Speaker who is a student of Shakespeare, and our Speaker pro tempore, who is also a very excellent student, will understand it. I would like all of you to remember this, you who also vote, when I say in conclusion to the men on the other side of the House, who probably will not be here because of what they are doing, you remember in the Merchant of Venice there were three caskets over which there were three scrolls. One was in lead, one was in silver and one was in gold—this is not as good as it appears in Shakespeare, I will admit, but it concerns the promises and the words of the "Breaker Boy" for which we use the alliteration "Baloney." We have all heard about what our now famous Governor told the people of Pennsylvania in making his great and successful campaign, and to those voters I give this admonition:

"All those promises are not gold
Often have the voters been told
Many a votes been bought and sold
By the Republican leader's fold
Gilded promises have no hold
Had you been as wise as fooled
Your Governor had not received his scroll
But just remember—November's sold."

So, ladies and gentlemen of the House, with these words, although I appreciate being here for the past two terms, I hope the people and the voters of Pennsylvania will appreciate what you have done for them in the last term, and hope that they will appreciate in the future what we did during Governor Earle's term. I thank you.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Greene for presiding.

Mr. MATTHEW J. WELSH. Mr. Speaker, much has been said about this attempt to rob our institutions of much needed funds, and I note in House Bill No. 10 an item cutting down the expenses of the Department of Mines and also another item in connection therewith reducing the expenses for conducting the examinations of those who apply for certificates bringing about inefficiency instead of efficiency. Remember that the operation of the mines needs efficiency and the cooperation of the operators as well as the miners. For years and years in the district from which I come there have been very few miners' deaths. I remember when but a boy, over forty-five years ago, I stood at the mouth of the mine and because of inefficiency, they brought out hundreds of men out of the mine mouth dead and blackened by an explosion which occurred, because they didn't have the efficiency they have today. Just picture those weeping widows and crying children around that mine. That could have been avoided if the mines were conducted as they are today.

Now, gentlemen, cutting down the expenses of the Department of Mines cuts down the efficiency, so that we do not have the proper number of mine bosses, mine foremen and so forth. Gentlemen, if that is efficiency, I consider it a step backward in the prevention not only of those disasters, but also a step backward in taking care of the widows and orphans of deceased miners. I fail to see why any Breaker Boy or any one would consider that efficiency or economy. I think the only trouble with this bill is that it is ducking the issue, and that it is not proposing the proper plan to secure fund. for relief. In other words, saving the rich and socking the poor.

Mr. HOLLAND. Mr. Speaker, on page five of House Bill No. 10, we see that the Department of Forests and Water has been cut one hundred and ten thousand dollars. I am really surprised that this Department has been cut this amount of money, because it has only been a matter of a few weeks when the Governor of the state was very much concerned over the flood. In fact I believe the reason the Governor was concerned was because he had in his cellar four feet of water. Up to that time, this Governor and the Department of Forests and Waters had placed every obstacle possible to defeat any progress that could be made with flood control.

I want to make it a matter of record in opposition to some of the statements made by the Governor that since this administration has taken office no work has been started on any new dams in the state of Pennsylvania. I do not see why we merely save one hundred and ten thousand dollars in the Department of Forests and Waters, because at the present time there lies in the federal treasury, earmarked for the state of Pennsylvania, the sum of four hundred thousand dollars which is to be returned to the state due to the fact that the federal government is now paying for the lands that are being utilized for flood control. Why is not this four hundred thousand dollars taken into the state and used at this time when we are in need of money? The only reason why this money is not taken is due to the fact that the Governor of the state is more concerned about protecting the utilities of the state than he is the people of the state, because, to use his exact words, he says that if the federal government has control and is the owner of these lands, they may use these dams to generate electrical energy for the people of Pennsylvania.

I do not know why this House does not demand that the Secretary of Forests and Waters claim the four hundred thousand dollars that is due to the state. If it is not reclaimed before the first of July, this state will lose this money.

We also find that the Department of Health has been cut. In speaking of the Department of Health, I want to point out to you that I am surprised that it is not cut more, because of all the men who ever headed the Department of Health, the present head of this Department has shown by his past actions that he is in favor of stream pollution in the State of Pennsylvania instead of cleaning up our rivers. I say to you, gentlemen, you are now passing a bill that I believe will haunt you for many years to come. I want to add to what has been said before, that when you consider the hundreds of people in Pennsylvania who are seeking admission to our

hospitals and who are going to die of neglect, the men who vote for this bill put the blood of these people on their shoulders, if they vote in favor of it.

Mr. HERBERT B. COHEN. Mr. Speaker, after a conference with the majority leader, I wish to request leave to print at large on the record, the speech of the Honorable David L. Lawrence, which he started to make at 8 o'clock and which he probably has just finished at 9. I would like to have it appear among the comments on House Bill No. 10, because it is particularly pertinent to that bill.

I also wish to thank the Speaker for his indulgence. Somebody suggested that the Democratic party were having three trials to determine which of its members would be the floor leader at the next session. I say that is correct, but we are not trying out to see which one will be the floor leader at the next session, but the majority floor leader.

The SPEAKER. The Chair hears no objection and the speech will be printed in the Journal.

Address of Democratic State Chairman David L. Lawrence Before the Annual Convention of the Pennsylvania Federation of Democratic Women, Allentown, Thursday, May 9, 1940.

"Never in the 16 months of James hokus-pocus to date has the phoney Republican program been so ruthlessly stripped of its false whiskers as during the present week.

"Now convened in Harrisburg is what is known—by a far stretch of the imagination—as a General Assembly representing the people of the Commonwealth. This session, called at great expense to the taxpayer, is assembled to finish a job which the 1939 regular session would not face—the job of providing money to feed Pennsylvania's unfortunate needy.

"That job—one of the foremost tasks of the 1939 regular session was deliberately sidestepped when Governor James and his Republican controlled legislature shortchanged the relief budget by nearly 100,000,000 dollars.

"Governor James had stormed about the State promising tax reductions. When called upon to produce in the Governor's office he was trapped by the falsehoods of his campaign and, after abandoning all pretext of tax reductions, he barely escaped new levies by the treachery of shortchanging the budget.

"Now, caught in the backwash of that cowardly plan, he convenes the Legislature under a call which precludes any intelligent approach to the problems at hand. Members are placed in the position of the small boy buying ice cream who is told, 'We have vanilla and vanilla—which will you have?'

"Under limitations of the call the Legislature cannot face facts honestly and pass tax measures to provide needed revenue. Governor James in his call says in effect to his majority in House and Senate, 'Come to Harrisburg, don't bother about an intelligent approach to these matters because I will not permit you to think for yourselves. We'll raid the special funds, make no binding arrangements for repayment, and get out of town before we're caught with our hands in the jam jar.'

"Democratic members of the House and Senate have no intention of being trapped into this fake scheme. They will not be stampeded into Ponzi financing merely because the Breaker Boy shouts from the housetops that to oppose his plan is to oppose relief.

"The Democratic Record on relief is written in bold letters for all to read. We fed the hungry. We did it honestly. We borrowed when we had to—but when we did we made immediate and practical plans to repay loans at a specific time. We were not political Faker Boys.

"We will join the Republican majority in this session in any sound plan for providing relief. But we will not be a part of this bogus scheme which in effect passes the relief load back to local communities by robbing cities, counties, boroughs, and townships—wrecking their financial structures, and bringing the threat of added taxes on local real estate.

"Highway maintenance during the 16 months of James misadministration has been a statewide scandal. In his newest now-you-see-it-now-you-don't maneuver Governor James would make this situation even worse.

"How will individual communities suffer under the sanctimonious thievery being perpetrated on Capitol Hill this week by the James boys?

"Refunds to counties from Liquid Fuels Tax collection during the last year have amounted to more than seven and a quarter million dollars. It is fair to estimate that this year's refunds will be at least as high. But there will be no liquid fuels tax refunds if Governor James has his way.

"Refunds to municipalities from liquor license collections during the last year have amounted to nearly nine million dollars. It is fair to estimate that this year's refunds will be near that figure. But there will be no liquor license refunds if Governor James has his way.

"Firemen of the Commonwealth, volunteer and paid alike, received a total of nearly one million dollars for their pension funds during the last year from the Fire Insurance Tax Fund. It is fair to estimate that current payments will reach approximately the same figure. But there will be no pension fund payments if Governor James has his way.

"And despite its sorry aspects, this still is not the whole story of this mumble-jumble program designed to keep the James-for-President ball in the air.

"House Bill No. 10—and mark that measure well because it will stand as one of the blackest pages in the record of this special session—House Bill No. 10 slashes nearly four and a half million dollars from the already shaky budget for State Government approved by the 1939 session.

"In that session Governor James, you will recall, paid off a great portion of his campaign debts by fake economies used to paralyze liberal legislation which even he had not the nerve to rip openly. The same purpose was accomplished by failing to appropriate monies sufficient to continue work which his "angels" found objectionable.

"Now even that emasculated program is further pared and trimmed to save the James face. House Bill No. 10 performs this major 1940 amputation on the already sickly budget.

"One outstanding example of the administration's "humane interest" is the fact that it would slash another $896,000 from funds provided by the 1939 session for State Tuberculosis Sanatoria and the State Hospital for Crippled Children.

"Another is that it would knock more than $900,000 from the 1939 appropriation to the Department of Welfare—$700,000 of this sum coming from slashes in monies for mental and correctional institutions.

"Workmen's Compensation—always a bitter pill for the GOP gang to swallow—will be further nullified by slashing $75,000 from the appropriation for this work.

"Another $25,000 is knocked off the program for rehabilitating injured workmen.

"Veterans' orphans feel the same "humane interest" in the bill which would slash $12,000 from the appropriation to the Pennsylvania Soldiers' Orphan School.

"Flood control takes a further buffeting with a slash of more than $100,000 in the allocation to the Department of Forests and Waters."

On the question recurring,

Shall the bill pass finally?

The Clerk proceeded to call the roll.

Mr. HARKINS. Mr. Speaker, I desire to interrogate the majority floor leader.

The SPEAKER. The Chair informs the gentleman that the roll call has been started and that the interrogation is out of order at this time.

Mr. HARKINS. Mr. Speaker, I was on my feet and asking to be recognized before the roll was started.

The SPEAKER. The Chair did not see the gentleman and was not informed that the gentleman was on his feet before the roll was called.

Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. HARKINS. Mr. Speaker, I desire to inquire of the majority floor leader whether in his reply to prior interrogations concerning the reductions in amounts hitherto appropriated to the various Departments, he meant to infer that there would be no future curtailment in the activities of the various Departments, but that the savings effected were made at the expense or curtailment of activities in the Departments hitherto.

Mr. WOODSIDE. Mr. Speaker, there has been no curtailment of the functions of the Departments. These Departments have carried on their functions; they have effected economy because of the fact that they have gotten rid of a lot of employes that were not necessary, and they have effected economy due to the fact that they have cut down the number and the salaries of various employes.

In addition to that, there is one other important thing in which there have been reductions, notwithstanding the fact that we have spent an hour and fifteen minutes talking about things that really don't affect it at all. The important thing is this, when the Appropriation committee sat down to work on this problem during the general session, we went over the estimate to ascertain how much money would be necessary to operate these new buildings, and at that time the Department said, "Well, we are hoping that the General State Authority will be prepared to hand over those buildings and we will start operating on such and such a date." At that time, a number of the members of the Committee and more particularly the Speaker called the attention of the Departments to the fact that the possibilities were that they wouldn't be handed over at that time, and the Department still said, "Well, we think they may be, but if they are not, of course we will not need the money to operate them during that period, but if they are, we ought to have the money;" so the Appropriation Committee said, "All right, we will make the appropriations for them." Then the prediction that was made, particularly by the Speaker, came true and these buildings were not ready for operation when they were expected to be and when the money was provided for them to be operated. As a result of that situation, the money provided for their operation during the months that have passed will not be necessary. That does not mean that the situation existing in the past still exists, because some of the buildings will be taken over, not tomorrow but possibly two months from now, possibly three months from now and they can estimate again about the time when they will be prepared to start operating, and they can prepare their budget accordingly.

Mr. HARKINS. Mr. Speaker, I desire to inquire of the gentleman from Dauphin, Mr. Woodside, whether or not either the administration or the majority floor leader knows at this time when the state sanatoria for tuberculosis will be used in their new capacity, the new buildings.

Mr. WOODSIDE. I don't know that, Mr. Speaker, and I don't know that anybody can tell with certainty the time. They probably have a very good idea as to the time when that will be, of course, because that will be contained in the estimate.

Mr. HARKINS. Mr. Speaker, I take it then that the majority floor leader does not know with any certainty the approximate date at which these new buildings will be utilized to their full capacity.

Mr. WOODSIDE. Mr. Speaker, if the gentleman had any conception of what is involved in making up a budget, if he would have sat in with the Appropriations Committee and know the number of hours, days, weeks and months of work involved, he would realize that it is impossible for any one man to follow in detail every item in the budget of every Department, and how impossible it would be for him to remember the date when things would happen in the future.

Mr. HARKINS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. HARKINS. Mr. Speaker, I desire to talk on the bill, inasmuch as there are certain questions which were not answered to my satisfaction, and it appears that I am unable to get any definite answer by further interrogation.

The SPEAKER. The gentleman will proceed. The Chair suggests that the gentleman confine his remarks to the bill.

Mr. HARKINS. I will try to do that, Mr. Speaker. I did not intend to enter into this question of the sanatoria but I feel we have here a conflict of mental philosophy that should not go by unchallenged.

The purpose of interrogating the majority floor leader was to ascertain some possible definite date at which these facilities would be put into operation. Accepting at face value the statement made by the majority floor leader that these buildings have not been used because the General State Authority has hitherto failed to provide the necessary funds for equipment, and not forgetting that the Legislature in the 1939 regular session, then under Republican leadership, had an opportunity and a fine chance to provide the necessary funds, and still even making allowance that perhaps they had been unable, despite their great leadership, to get around to that problem and to solve it completely, I am trying for my constituents, to find someone who knows when these buildings with their facilities will be thrown open to the use of the citizens of Pennsylvania.

It seems to me if we have the facilities we ought to use them. I know from my own experience that all of the members of the House are asked from time to time to come to give their assistance to help unfortunate people obtain admission to these institutions. I have always been reluctant to do so, not because I did not want to help someone obtain the treatment they needed, but because I always felt that if someone was able to get in because of some influence that I had, possibly someone else less fortunate might be kept out of that institution. Now, I say to you, ladies and gentlemen of the House, that we ought to know, if we are going to make transfers here, if we are going to carry out the program that is being carried out, if we are going to make these reduc-

tions, we should at least let someone on the other side of the House tell us with some reasonable certainty when these institutions are going to be thrown open to the use of the people who are ill and who need the treatment that can be given them in these institutions.

The SPEAKER. The Chair advises the gentleman that if he will come to the desk, we may be able to give him some information that will enlighten him.

Mr. HARKINS. Mr. Speaker, I was just going to say that I have concluded what I had to say but if the information the Speaker has so kindly offered to give me refers to the subject matter, I will come to the desk prior to completing my talk. If not, I will complete my talk now, just repeating that I think someone on the majority side should be able to say that the Health Department is going to be able to take advantage of these institutions by January 31, 1941 or by some other date. I don't care when that date is but I certainly think someone on that side ought to be able to tell us when they are going to use these buildings. After all, the Democrats built them for you, and certainly now you ought to be able to take advantage of them and put them into use.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—119

| | | | |
|---|---|---|---|
| Ackermann, | Eckels, | Krise, | Simons, |
| Alspach, | Ely, | Leisey, | Sloan, |
| Atkins, | Fisher, | Leydic, | Snyder, |
| Auker, | Fiss, | Lichtenwalter, | Sollenberger, |
| Balliet, | Fleming, | Lyons, | Stambaugh, |
| Bardes, | Foor, | Madden, | Stewart, |
| Bennett, | Freed, | Marr, | Stockham, |
| Boorse, | Fullerton, | McClester, | Sweeney, |
| Boose, | Gates, | McGarrity, | Tahl, |
| Bower, | Gillan, | McKinney, | Taylor, |
| Boyd, | Gillette, | McNally, | Thistle, |
| Bretherick, | Habbyshaw, | McVay, | Thompson, G. R. |
| Bronson, | Haines, | Montgomery, | Tiemann, |
| Brown, S. W., | Hall, | Moser, F. S., | Trout, |
| Brunner, | Harbeson, | Moser, J. L., | Van Allsburg, |
| Cadwalader, | Haudenshield, | Muir, | Van Belle, |
| Calvin, | Henry, | O'Dare, | Voorhees, |
| Carpenter, | Hewitt, | Peacock, | Wagner, |
| Christler, | Hocke, | Peale, | Watkins, |
| Clark, | Hoffman, J. N., | Reagan, | Webster, |
| Clearwater, | Hoyt, | Reese, D. P., | Wilkinson, |
| Cooper, | Huntley, | Riley, | Wilson, |
| Cordier, | Imbrie, | Robertson, | Winner, |
| Cortese, | Irvin, | Rose, | Wood, H. M., |
| Curran, | James, | Roseberry, | Wood, L. H., |
| Dalrymple, | Johnston, | Royer, | Wood, N., |
| Denman, | Jones, | Sarge, | Woodside, |
| Dick, | Kline, | Schrock, | Yeakel, |
| Dix, | Knoble, | Serrill, | Turner, |
| Donahue, | Kowalski, | Shearer, | Speaker. |

NAYS—60

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Melchiorre, | Rooney, |
| Andrews, | Falkenstein, | Mihm, | Rothenberger, |
| Balthaser, | Finnerty, | Mooney, | Sarraf, |
| Boles, | Furman, | Moran, | Schrope, |
| Boney, | Harkins, | Munley, | Schwab, |
| Brancato, | Hess, | O'Brien, | Shaw, |
| Broad, | Hindman, | O'Connor, | Skale, |
| Burns, | Holland, | Ominsky, | Stank, |
| Burris, | Jirolanio, | O'Neill, | Tarr, |
| Check, | Kenehan, | Powers, | Walsh, |
| Chervenak, | Kilroy, | Preston, | Weiss, |
| Cohen, H. B., | Levy, | Readinger, | Welsh, E. B., |
| Cohen, R. E., | Lovett, | Reese, R. E. | Welsh, M. J., |
| DeNote, | Malloy, | Regan, | Westrick, |
| Donohoe, | McLane, | Rider, | Williams, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 11, entitled:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled May sixth, one thousand nine hundred forty, in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth, one thousand nine hundred forty.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Leydic, | Sarge, |
| Achterman, | Eckels, | Lichtenwalter, | Sarraf, |
| Allmond, | Ely, | Long, | Schrock, |
| Alspach, | Ewing, | Lovett, | Schrope, |
| Andrews, | Falkenstein, | Lyons, | Schwab, |
| Atkins, | Finnerty, | Madden, | Seif, |
| Auker, | Fisher, | Malloy, | Serrill, |
| Baker, | Fiss, | Marr, | Shaw, |
| Balliet, | Flanagan, | McClester, | Shearer, |
| Balthaser, | Fleming, | McGarrity, | Simons, |
| Bardes, | Foor, | McKinney, | Skale, |
| Bennett, | Freed, | McLane, | Sloan, |
| Bohn, | Fullerton, | McNally, | Snyder, |
| Boles, | Furman, | McVay, | Sollenberger, |
| Boney, | Gates, | Melchiorre, | Stambaugh, |
| Boorse, | Gillan, | Mihm, | Stank, |
| Boose, | Gillette, | Montgomery, | Stewart, |
| Bower, | Goll, | Mooney, | Stockham, |
| Boyd, | Habbyshaw, | Moran, | Sweeney, |
| Brancato, | Haines, | Moser, F. S., | Tahl, |
| Bretherick, | Hall, | Moser, J. L., | Tarr, |
| Broad, | Harbeson, | Muir, | Taylor, |
| Bronson, | Harkins, | Munley, | Terry, |
| Brown, H. S., | Haudenshield, | O'Brien, | Thistle, |
| Brown, S. W., | Henry, | O'Connor, | Thompson, E. F., |
| Brunner, | Hess, | O'Dare, | Thompson, G. R., |
| Burns, | Hewitt, | O'Keefe, | Tiemann, |
| Burris, | Hindman, | Ominsky, | Trout, |
| Cadwalader, | Hocke, | O'Neill, | Van Allsburg, |
| Calvin, | Hoffman, J. N., | Peacock, | Van Belle, |
| Carpenter, | Hoffman, S. K., | Peale, | Voorhees, |
| Check, | Holland, | Powers, | Wagner, |
| Chervenak, | Hoyt, | Preston, | Walsh, |
| Christler, | Huntley, | Readinger, | Watkins, |
| Clark, | Imbrie, | Reagan, | Webster, |
| Clearwater, | Irvin, | Reese, D. P., | Weiss, |
| Cohen, H. B., | James, | Reese, R. E., | Welsh, E. B., |
| Cohen, R. E., | Jirolanio, | Regan, | Welsh, M. J., |
| Cooper, | Johnston, | Reynolds, | Westrick, |
| Cordier, | Jones, | Rhodes, | Wilkinson, |
| Corrigan, | Kane, | Rider, | Williams, |
| Cortese, | Keenan, | Riley, | Wilson, |
| Curran, | Kenehan, | Robertson, | Winner, |
| Dalrymple, | Kilroy, | Rooney, | Wood, H. M., |
| Denman, | Kline, | Rose, | Wood, L. H., |
| DeNote, | Knoble, | Roseberry, | Wood, N., |
| Dick, | Kowalski, | Rosenfeld, | Woodside, |
| Dix, | Krise, | Rothenberger, | Yeakel, |
| Donahue, | Leisey, | Royer, | Turner, |
| Donohoe, | Levy, | | Speaker. |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 12, entitled:

An Act making an appropriation to aid certain school districts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz;

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Leydic, | Sarge, |
| Ackermann, | Eckels, | Lichtenwalter, | Sarraf, |
| Allmond, | Ely | Long, | Schrock, |
| Alspach, | Ewing, | Lovett | Schrope, |
| Andrews, | Falkenstein, | Lyons, | Schwab, |
| Atkins, | Finnerty, | Madden, | Self, |
| Auker, | Fisher, | Malloy, | Serrill, |
| Baker, | Fiss, | Marr | Shaw, |
| Balliet, | Flanagan | McClester, | Shearer, |
| Balthaser, | Fleming | McGarrity, | Simons, |
| Bardes, | Foor, | McKinney, | Skale, |
| Bennett, | Freed, | McLane, | Sloan, |
| Bohn, | Fullerton, | McNally, | Snyder, |
| Boles, | Furman, | McVay, | Sollenberger, |
| Boney, | Gates, | Melchiorre, | Stambaugh, |
| Boorse, | Gillan, | Mihm, | Stank, |
| Boose, | Gillette, | Montgomery, | Stewart, |
| Bower, | Goll, | Mooney, | Stockham, |
| Boyd, | Habbyshaw, | Moran, | Sweeney, |
| Brancato, | Haines, | Moser, F. S., | Tahl, |
| Bretherick, | Hall, | Moser, J. L., | Tarr, |
| Broad, | Harbeson, | Muir, | Taylor, |
| Bronson, | Harkins, | Munley, | Terry, |
| Brown, H. S., | Haudenshield, | O'Brien, | Thistle, |
| Brown, S. W., | Henry, | O'Connor, | Thompson, E. F., |
| Brunner, | Hess, | O'Dare, | Thompson, G. R. |
| Burns, | Hewitt, | O'Keefe, | Tiemann, |
| Burris, | Hindman, | Ominsky, | Trout, |
| Cadwalader, | Hocke, | O'Neill, | Van Allsburg, |
| Calvin, | Hoffman, J. N., | Peacock, | Van Belle, |
| Carpenter, | Hoffman, S. K., | Peale, | Voorhees, |
| Check, | Holland, | Powers, | Wagner, |
| Chervenak, | Hoyt, | Preston, | Walsh, |
| Christler, | Huntley, | Readinger, | Watkins, |
| Clark, | Imbrie, | Reagan, | Webster, |
| Clearwater, | Irvin, | Reese, D. P., | Weiss, |
| Cohen, H. B., | James, | Reese, R. E. | Welsh, E. B., |
| Cohen, R. E., | Jirolanio, | Regan, | Welsh, M. J., |
| Cooper, | Johnston, | Reynolds, | Westrick, |
| Cordier, | Jones, | Rhodes, | Wilkinson, |
| Corrigan, | Kane, | Rider, | Williams, |
| Cortese, | Keenan, | Riley | Wilson, |
| Curran, | Kenehan, | Robertson, | Winner, |
| Dalrymple, | Kilroy, | Rooney, | Wood H. M., |
| Denman, | Kline, | Rose, | Wood, L. H., |
| DeNote, | Knoble, | Roseberry, | Wood, N., |
| Dick, | Kowalski, | Rosenfeld, | Woodside, |
| Dix, | Krise, | Rothenberger, | Yeakel, |
| Donahue, | Leisey, | Royer, | Turner, |
| Donohoe, | Levy, | | Speaker. |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 13, entitled:

An Act to amend clause (u) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by redefining, for certain purposes of the act, the term "wages."

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, while I am asking my colleagues to support this bill I call to the attention of the members of the House that if it had not been for the limited call of the Governor, we would certainly have offered amendments that would have given the advantage to the unemployed that they were entitled to under the federal act, so that they could have taken advantage of increased allowances. As it is, because of the call we are restricted to taking care of the employers, but as to the employees who have lost their jobs, we cannot help them at the present time. This is another example of taking care of the employers and not worrying about the employees.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Leydic, | Sarge, |
| Ackermann, | Eckels, | Lichtenwalter, | Sarraf, |
| Allmond, | Ely, | Long, | Schrock, |
| Alspach, | Ewing, | Lovett, | Schrope, |
| Andrews, | Falkenstein, | Lyons, | Schwab, |
| Atkins, | Finnerty, | Madden, | Self, |
| Auker, | Fisher, | Malloy, | Serrill, |
| Baker, | Fiss, | Marr, | Shaw, |
| Balliet, | Flanagan, | McClester, | Shearer, |
| Balthaser, | Fleming, | McGarrity, | Simons, |
| Bardes, | Foor, | McKinney, | Skale, |
| Bennett, | Freed, | McLane, | Sloan, |
| Bohn, | Fullerton, | McNally, | Snyder, |
| Boles, | Furman, | McVay | Sollenberger, |
| Boney, | Gates, | Melchiorre, | Stambaugh, |
| Boorse, | Gillan, | Mihm, | Stank, |
| Boose, | Gillette, | Montgomery, | Stewart, |
| Bower, | Goll, | Mooney, | Stockham |
| Boyd, | Habbyshaw, | Moran, | Sweeney, |
| Brancato, | Haines, | Moser, F. S., | Tahl, |
| Bretherick, | Hall, | Moser, J. L., | Tarr, |
| Broad, | Harbeson, | Muir, | Taylor, |
| Bronson, | Harkins, | Munley, | Terry, |
| Brown, H. S., | Haudenshield, | O'Brien, | Thistle, |
| Brown, S. W., | Henry, | O'Connor, | Thompson, E. F., |
| Brunner, | Hess, | O'Dare, | Thompson, G. R., |
| Burns, | Hewitt, | O'Keefe, | Tiemann, |
| Burris, | Hindman, | Ominsky, | Trout, |
| Cadwalader, | Hocke, | O'Neill, | VanAllsburg, |
| Calvin, | Hoffman, J. N., | Peacock, | Van Belle, |
| Carpenter, | Hoffman, S. K., | Peale, | Voorhees, |
| Check, | Holland, | Powers, | Wagner, |
| Chervenak, | Hoyt, | Preston, | Walsh, |
| Christler, | Huntley, | Readinger, | Watkins, |
| Clark, | Imbrie, | Reagan, | Webster, |
| Clearwater, | Irvin, | Reese, D. P., | Weiss, |
| Cohen, H. B., | James, | Reese, R. E. | Welsh, E. B., |
| Cohen, R. E., | Jirolanio, | Regan, | Welsh, M. J., |
| Cooper, | Johnston, | Reynolds, | Westrick, |
| Cordier, | Jones, | Rhodes | Wilkinson, |
| Corrigan, | Kane, | Rider, | Williams, |
| Cortese, | Keenan, | Riley, | Wilson, |
| Curran, | Kenehan, | Robertson, | Winner, |

| | | | |
|---|---|---|---|
| Dalrymple, | Kilroy, | Rooney, | Wood, H. M., |
| Denman, | Kline, | Rose, | Wood, L. H., |
| DeNote, | Knoble, | Roseberry, | Wood, N., |
| Dick, | Kowalski, | Rosenfeld, | Woodside, |
| Dix, | Krise, | Rothenberger, | Yeakel, |
| Donahue, | Leisey, | Royer, | Turner, |
| Donohoe, | Levy, | | Speaker. |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 15, entitled:

An Act to amend section six hundred twenty-eight of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LONG. Mr. Speaker, I have been unable to ascertain from anyone just why a special provision was made in the call to include this amendment to the election code. It appears to have no place in the emergency program. There appears to be no reason why it should be taken up at this special sesssion because of the nature of the change and the fact that the bill itself provides no specific time within which the Speaker of the House and the President pro tempore of the Senate shall act in calling these special elections. I think it would be wise to forego any action in amending the election code at this time.

The present provision for the calling of special elections to fill vacancies in the General Assembly has been the same for a great many years; they have been adequate and I see no reason why at this time, in a special session, we should attempt to amend the election code to provide for the filling of vacancies when no special session had been called. I believe this is a bill which probably might have some merit if properly drawn and considered in relation to the rest of the code and considered at length during a regular session. I, therefore, believe that it would be best to recommit this bill, since it is no part of the program whatsoever, and since there appears to be no emergency or no reason at least that I can find why it was included in the first place.

I therefore move, Mr. Speaker, that this bill be recommitted to the Committee on Elections.

The SPEAKER. Will the gentleman yield for a moment to permit the majority floor leader to explain the reason for this bill?

Mr. LONG. I shall, Mr. Speaker, and I withdraw my motion.

Mr. WOODSIDE. Mr. Speaker, the gentleman has made some remark about the law relating to the filling of vacancies being the same for a long time. That was true up until 1937 but in 1935 when the election law was adopted, it was changed very substantially in that respect and it was provided that the presiding officers of the two Houses could not call for a special election unless there was a special session called. That, probably, was unconstitutional because the Constitution provides that there shall be special elections when there are vacancies. At any rate, under the law as it exists today, without this bill you have a very foolish and unfortunate situation. If a vacancy occurs immediately after adjournment of the regular session, the Speaker of the House and the President pro tempore of the Senate cannot call for an election to fill that vacancy unless there has been a call for a special session by the Governor. After there has been a call for a special session by the Governor, within ten days, under the law the presiding officers shall call for a special election and then you have an example of what has happened at this special session. The presiding officers were denied the right, under the existing law, to have the vacancies filled at the primary election this year when people could have been elected to represent districts where the vacancies occured, but the special session having been called, the Speaker and the President pro tempore of the Senate must issue a writ for that election, so that a person will be elected to fill the vacancy, but the probabilities of a special session occurring again, as we well know, are extremely remote so that the election has served an absolutely useless purpose.

This provision is to get the law back to the point where it will operate reasonably and whenever a situation arises such as exists at this time, a writ can be issued by the Speaker to hold an election at the primaries and those districts that are not represented in this House today would have been represented. As it is, they are not.

Mr. LONG. Mr. Speaker, I wish to thank the majority floor leader for his explanation. However, it appears that we are closing the stables after the horse is gone. There appears to be no reason whatsoever for having this bill passed at this special session. The provision as it now stands provides that the Speaker of the House and the President pro tempore of the Senate may issue a call for a special election providing they have been notified that a special session is to be called by the Governor. There is no provision for any time limit whatsoever; they can call it the next day. There has always been a provision under the law for a reasonable length of time, I believe it was thirty days, no less than thirty days, in which to hold an election. Therefore, there appears to be no reason whatsoever at this time to take it up. It surely is a matter that should be taken up at the regular session in order to cure defects in the present law, and there is no purpose or no use in taking it up at this time. That is the reason I am making the motion to recommit at this time.

## MOTION TO RECOMMIT

Mr. LONG. Mr. Speaker, I move that this bill be recommitted to the Committee on Elections.

The motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, our party feels that there are some amendments that would be very well worth while added to this bill. However, it is our opinion that these amendments can be offered in the Senate and it is for that reason that we are supporting the bill and offering the amendments later on.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Leydic, | Sarge, |
| Ackermann, | Eckels, | Lichtenwalter, | Sarraf |
| Allmond, | Ely, | Long, | Schrock, |
| Alspach, | Ewing, | Lovett, | Schrope |
| Andrews, | Falkenstein, | Lyons, | Schwab, |
| Atkins, | Finnerty, | Madden, | Seif, |
| Auker | Fisher, | Malloy, | Serrill, |
| Baker | Fiss, | Marr, | Shaw, |
| Balliet, | Flanagan, | McClester, | Shearer, |
| Balthaser, | Fleming, | McGarrity, | Simon, |
| Bardes, | Foor, | McKinney, | Skale, |
| Bennett, | Freed | McLane, | Sloan, |
| Bohn, | Fullerton, | McNally, | Snyder, |
| Boles, | Furman, | McVay, | Sollenberger, |
| Boney, | Gates, | Melchiorre, | Stambaugh, |
| Boorse, | Gillan, | Mihm, | Stank, |
| Boose, | Gillette, | Montgomery, | Stewart, |
| Bower | Goll, | Mooney, | Stockham, |
| Boyd | Habbyshaw, | Moran, | Sweeney, |
| Brancato, | Haines, | Moser, F. S., | Tahl, |
| Bretherick, | Hall, | Moser, J. L., | Tarr, |
| Broad, | Harbeson, | Muir, | Taylor, |
| Bronson, | Harkins, | Munley, | Terry, |
| Brown, H. S., | Haudenshield, | O'Brien, | Thistle, |
| Brown, S. W., | Henry, | O'Connor, | Thompson, E. F., |
| Brunner, | Hess, | O'Dare, | Thompson, G. R. |
| Burns, | Hewitt | O'Keefe, | Tiemann, |
| Burris, | Hindman, | Ominsky, | Trout, |
| Cadwalader, | Hocke, | O'Neill, | VanAllsburg, |
| Calvin, | Hoffman, J. N., | Peacock, | Van Belle, |
| Carpenter, | Hoffman, S. K., | Peale, | Voorhees, |
| Check, | Holland, | Powers, | Wagner, |
| Chervenak, | Hoyt, | Preston, | Walsh, |
| Christler, | Huntley, | Readinger, | Watkins, |
| Clark, | Imbrie, | Reagan, | Webster, |
| Clearwater, | Irvin, | Reese, D. P., | Weiss, |
| Cohen, H. B., | James, | Reese, R. E., | Welsh, E. B., |
| Cohen, R. E., | Jirolanio, | Regan, | Welsh, M. J., |
| Cooper, | Johnston, | Reynolds, | Westrick |
| Cordier, | Jones, | Rhodes, | Wilkinson, |
| Corrigan, | Kane, | Rider, | Williams, |
| Cortese, | Keenan, | Riley | Wilson |
| Curran, | Kenehan | Robertson, | Winner |
| Dalrymple, | Kilroy, | Rooney, | Wood, H. M., |
| Denman, | Kline, | Rose, | Wood, L. H., |
| DeNote, | Knoble, | Roseberry, | Wood, N., |
| Dick, | Kowalski, | Rosenfeld, | Woodside, |
| Dix, | Krise, | Rothenberger | Yeakel, |
| Donahue | Leisey, | Royer, | Turner, |
| Donohoe | Levy, | | Speaker. |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 14, as follows:

An Act to amend paragraph (a) of and add a new paragraph (1) to section two thousand four hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and providing that such civil service employes of the board as are necessary for the cleaning care preservation and protection of such building and the furnishings records and other matters therein and the operation of its mechanical plants shall perform their duties under the supervision of the Department of Property and Supplies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph (a) of section two thousand four hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrattive departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined which section was last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five) is hereby amended to read as follows

Section 2402 Grounds Buildings and Monuments in General The Department of Property and Supplies shall have the power and its duty shall be

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and the Executive Mansion and to make or supervise the making of all repairs alterations and improvements in and about such grouns and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided

Section 2 Section two thousand four hundred two of the said act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred

sixty-five) is hereby further amended by adding thereto paragraph (1) to read as follows

(1) To supervise the work of employes of the Pennsylvania Liquor Control Board who are employed by the board for the cleaning care preservation and protection of the Northwest Office Building and the furnishings records and other matters therein and for the operation of the mechanical plants in such building

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Levy, | Sarge, |
| Ackermann, | Eckels, | Leydic, | Sarraf, |
| Allmond, | Ely, | Lichtenwalter, | Schrock, |
| Alspach, | Ewing, | Long, | Schrope, |
| Andrews, | Falkenstein, | Lovett, | Schwab, |
| Atkins, | Finnerty, | Lyons, | Seif, |
| Auker, | Fisher, | Madden, | Serrill, |
| Baker, | Fiss, | Malloy, | Shaw, |
| Balliet, | Flanagan, | Marr, | Shearer, |
| Balthaser, | Fleming, | McClester, | Simons, |
| Bardes, | Foor, | McGarrity, | Skale, |
| Bennett, | Freed, | McKinney, | Sloan, |
| Bohn, | Fullerton, | McLane, | Snyder, |
| Boles, | Furman, | McNally, | Sollenberger, |
| Boney, | Gates, | McVay, | Stambaugh, |
| Boorse, | Gillan, | Melchiorre, | Stank, |
| Boose, | Gillette, | Mihm, | Stewart, |
| Bower, | Goll, | Montgomery, | Stockham |
| Boyd, | Habbyshaw, | Mooney, | Sweeney, |
| Brancato, | Haines, | Moser, F. S., | Tahl, |
| Bretherick, | Hall, | Moser, J. L., | Tarr, |
| Broad, | Harbeson, | Muir, | Taylor, |
| Bronson, | Harkins, | Munley, | Terry, |
| Brown, H. S., | Haudenshield, | O'Brien, | Thistle, |
| Brown, S. W., | Henry, | O'Connor, | Thompson, E. F., |
| Brunner, | Hess, | O'Dare, | Thompson, G. R. |
| Burns, | Hewitt, | O'Keefe, | Tiemann, |
| Burris, | Hindman, | Ominsky, | Trout, |
| Cadwalader, | Hocke, | O'Neill, | VanAllsburg, |
| Calvin, | Hoffman, J. N., | Peacock, | Van Belle, |
| Carpenter, | Hoffman, S. K., | Peale, | Voorhees, |
| Check, | Holland, | Powers, | Wagner, |
| Chervenak, | Hoyt, | Preston, | Walsh, |
| Christler, | Huntley, | Readinger, | Watkins, |
| Clark | Imbrie, | Reagan, | Webster, |
| Clearwater, | Irvin, | Reese, D. P., | Weiss |
| Cohen, H. B., | James, | Reese, R. E., | Welsh, E. B., |
| Cohen, R. E., | Jirolanio, | Regan, | Welsh, M. J., |
| Cooper, | Johnston, | Reynolds, | Westrick |
| Cordier, | Jones, | Rhodes, | Wilkinson, |
| Corrigan, | Kane, | Rider, | Williams, |
| Cortese, | Keenan, | Riley, | Wilson |
| Curran, | Kenehan | Robertson, | Winner, |
| Dalrymple, | Kilroy, | Rooney, | Wood, H. M., |
| Denman, | Kline, | Rose, | Wood, L. H., |
| DeNote, | Knoble, | Roseberry, | Wood, N., |
| Dick, | Kowalski, | Rosenfeld | Woodside, |
| Dix, | Krise, | Rothenberger, | Yeakel, |
| Donahue, | Leisey, | Royer, | Turner, |
| Donohoe, | | | Speaker. |

NAYS—1

Moran,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 22, as follows:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from the tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Turnpike Philadelphia Extension Act"

Section 2 In order to facilitate vehicular traffic between the Eastern and Western sections of the Commonwealth the Pennsylvania Turnpike Commission heretofore created by virtue of the provisions of the act approved the twenty-first day of May 1937 Pamphlet Laws 774 is hereby authorized and empowered to construct operate and maintain a turnpike at such location as shall be approved by the Department of Highways from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia together with connecting roads tunnels and bridges and to issue turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such construction

Section 3 The turnpike revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth but such bonds shall be payable exclusively from the fund herein provided therefor from tolls All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds The issuance of turnpike revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment

Section 4 Definitions The following words and terms shall have the following meanings

(a) The word "commission" shall mean the Pennsylvania Turnpike Commission heretofore created by the act approved the twenty-first day of May 1937 Pamphlet Laws 774 or if said commission shall be abolished any board commission or officer succeeding to the principal functions thereof or upon whom the powers and functions given by them shall be given by law

(b) The word "owner" shall include all individuals copartnerships associations or corporations having any title or interest in any property rights easements or franchises authorized to be acquired by this act

(c) The words "the turnpike" shall mean the turnpike to be constructed as hereinafter provided from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and shall be deemed to include not only the turnpike and all connecting roads tunnels and bridges connected therewith but also all property rights easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof

(d) The term "cost of the Turnpike" shall embrace the cost of constructing the turnpike and all connecting

roads tunnels and bridges the cost of all lands property rights rights of way easements and franchises acquired which are deemed necessary or convenient for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for one year after completion of construction cost of traffic estimates and of engineering and legal expenses plan specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative and legal expense and such other expenses as may be necessary or incident to the financinng herein authorized the construction of the turnpike and connecting roads tunnels and bridges the placing of the same in operation and the condemnation of property necessary for such construction and operation Any obligation or expense contracted for by the commission with the Department of Highways of the Commonwealth of Pennsylvania or with the United States or any agency thereof for traffic surveys preparation of plans and specifications supervision of construction and other engineering administrative and legal services and expenses in connection with the construction of the turnpike or any of the connecting roads tunnels and bridges shall be regarded as a part of the cost of the turnpike and shall be reimbursed or paid out of the proceeds of the turnpike revenue bonds hereinafter authorized

Section 5 The exercise by the commission of the powers conferred by this act in the construction operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth

Section 6 The commission shall have the following powers and duties

(a) It shall maintain a principal office at such place as shall be designated by the commission

(b) The commission may contract and be contracted with in its own name

(c) The commission may sue and be sued in its own name plead and be impleaded provided however that any and all actions at law or in equity against the commission shall be brought only in the proper courts at the county of Dauphin

(d) The commission shall have an official seal

(e) The commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire own use hire lease operate and dispose of personal property real property and interests in real property and to make and enter all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act and to employ engineering traffic architectural and construction experts and inspectors and attorneys and such other employes as may in its judgment be necessary and fix their compensation Provided however That all contracts and agreements relating to the construction of the turnpike and connecting roads tunnels and bridges shall be approved by the Department of Highways and the turnpike and connecting roads tunnels and bridges shall be constructed under the supervision of the Department of Highways

(f) The turnpike when completed and opened to traffic shall be maintained and repaired by and under the control of the commission through the Department of Highways of the Commonwealth and all charges and costs for such maintenance and repairs actually expended by said Department of Highways shall be paid to it by the commission upon certification thereof out of tolls Such turnpike shall also be policed and operated by such force of police tolltakers and other operating employes as the commission may in its discretion employ

(g) The commission shall have authority at its own cost to provide grade separations with respect to all public roads and State highways intersected by the turnpike and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation Provided however that the damages incurred in changing and adjusting the lines and grades of such public roads and State highways shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike The plan of such changes of the lines and grades of public roads shall be subject to the approval of the supervisors of the proper township and in the case of State highways subject to the approval of the Department of Highways

(h) If the commission shall find it necessary to change the site of any portion of any State highway or public road it shall cause the same to be reconstructed and restored forthwith at the commission's own proper expense on the most favorable location and in as satisfactory a manner as the original road Provided that the damages incurred in changing the location of any such road or State highway shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike The plan of such reconstruction and restoration shall be subject to the approval of the supervisors of the proper township and in the case of a State highway subject to the approval of the Department of Highways

(i) The commission shall have authority to petition the Court of Quarter Sessions of the county wherein is situate any public road or part thereof affected by the location therein of the turnpike for the vacation relocation or supply of the same or any part thereof with the same force and effect as is now given by existing laws to the inhabitants of any township of such county and the proceedings upon such petition whether it be for the appointment of viewers or otherwise shall be the same as provided by existing law for similar proceedings upon such petitions

(j) The commission shall otherwise have all of the powers and perform all of the duties prescribed by the act approved the twenty-first day of May 1937 Pamphlet Laws 774

(k) All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate comensation made therefor out of funds provided under the authority of this act

Section 7 (a) Each member of the commission shall be reimbursed for the necessary expenses incurred in the performance of the duties performed under the provisions of this act

(b) All expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act

(c) Before the issuance of any turnpike revenue bonds under the provisions of this act each appointed member of the commission shall execute a bond in the penalty of $25,000 and the secretary and treasurer shall execute a bond in the penalty of $50,000 each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office under the provisions of this act which bonds shall be filed in the office of the Secretary of the Commonwealth

Section 8 The commission with the approval of the Department of Highways is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient any lands property rights rights of way franchises easements and other interests in lands as it may deem necessary or convenient for the construc- and operation of the turnpike upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission and the owner thereof and to take title thereto in the name of the commission

Section 9 Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown the commission is hereby authorized and empowered to acquire by condemnation in the manner hereinafter provided any lands property rights rights of way franchises easements and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike or necessary in the restoration of public or private property damaged or destroyed In such event

application shall be made by the commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which the property is located or in the case of property on the boundary line between two or more counties then in any such counties for the appointment of viewers Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof None of the freeholders shall be a resident of the county wherein such application shall be made The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attornew General to the commission and to the owner or owners if resident within said county If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county If neither owner nor any of such officers reside within the county or cannot be found therein or is unknown notice of such first meeting shall be given as the court may direct The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to ascertain as accurately as may be the value of such land property rights rights of way easements or franchises and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers may deem necessary If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers or a quorum thereof make such order therein as may be necessary Whenever the viewers shall have ascertained the value of the lands property rights rights of way easements or franchises they shall prepare a full report of their labors Upon the completion of the report the viewers shall fix a time when they shall meet and exhibit same Ten days written notice of the time and place of such meeting together with a copy of said report shall be given to the commission to the Attorney General and to the owner or owners of the property condemned At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto After making any changes in such report as they may deem necessary the same shall be filed in the court within thirty days after the filing of the report in the court the commission acting through the Department of Justice or any person interested may file exceptions thereto Whereupon the court shall either confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers Within thirty days after the final action on the report by the court the commission acting through the Department of Justice or any person interested may demand a trial by jury From the action of the court on exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually incurred in the performance of his duties Title to any property condemned by the commission shall be taken in the name of the commission Prior to physical entry upon the land the commission shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings provided however that in any condemnation proceedings the court having jurisdiction of the suit action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to enter upon accept and pay for the property but neither such undertaking or security nor any act or obligation of the Commission shall impose any liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act

In addition to the foregoing powers the commission and its authorized agents and employes may enter upon any land waters and premises in the State for the purpose of making surveys soundings drillings and examinations as it may deem necessary or convenient for the purpose of this act and such entry shall not be deemed a trespass nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the commission upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships other political subdivisions and municipalities or public agencies and commissions of the Commonwealth of Pennsylvania may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission including public roads and other real property already devoted to public use

Section 10 Whenever the commission decides to acquire any lands rights rights of way easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond or other security to secure the owner or owners for damages and the same has been accepted or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which such condemnation proceeding is instituted the commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the commission If the owner lessee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof the commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures

Section 11 The commission is hereby authorized to provide by resolution at one time or from time to time for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike which resolution shall recite an estimate of such cost The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment The bonds shall be dated shall bear interest at such rate or rates not exceeding six percentum per annum payable semi-annually shall mature at such time or times not exceeding forty years from their date or dates as may be determined by the commission and may be made redeemable before maturity at the option of the commission at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds Provided however that the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption The bonds may be issued in series with varying provisions as to rates of interest maturity and other provisions not inconsistent with this act but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor The principal and interest of such bonds may be made payable in any lawful medium The commission shall determine the form of bonds including any interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth The bonds shall be signed by the Governor and by the chairman of the commission and the official seal of the commission

shall be affixed thereto and attested by the secretary and treasurer of the commission and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery All turnpike revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth The bonds may be issued in coupon or in registered form or both as the commission may determine and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and registered and coupon bonds shall be interchangeable The commission may sell such bonds in such manner and for such price as it may determine to be for the best interest of the Commonwealth but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed upon requisition of the chairman of the commission under such restrictions if any as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the turnpike additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued If the proceeds of the bonds shall exceed the cost of the turnpike the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealt is now or may hereafter be authorized by law

Section 12 All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds

Section 13 In the discretion of the commission such bonds may be secured by a trust indenture by and between the commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth Such trust idenfure may pledge or assign tolls and revenue to be received but shall not convey or mortgage the turnpike or any part thereof Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction maintenance operation and repair and insurance of the turnpike and the custody safeguarding and application of all moneys It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the commission Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations In addition to the foregoing such trust indenture may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike

Section 14 The accomplishment by the commission of the authorized purposes stated in this act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity in which accomplishment the commission will be performing essential governmental functions the commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this act and the bonds or other securities and obligations issued by the commission their transfer and the income therefrom including any profits made on the sale thereof shall at all times be free from taxation within the Commonwealth

Section 15 The commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof and to charge and collect the same and to contract with any person partnership association or corporation desiring the use of any part thereof including the right of way adjoining the paved portion for placing thereon telephone telegraph electric light or power lines gas stations garages stores hotels restaurants and advertising signs or for any other purpose except for tracks for railroad or railway use and to fix the terms conditions rents and rates of charges for such use Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike if any to pay (a) the cost of maintaining repairing and operating the turnpike and (b) the bonds and the interest thereon and all sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture as the same shall become due Such tolls shall not be subject to supervision or regulation by any other State commission board bureau or agency The tolls and all other revenues derived from the turnpike except such part thereof as may be required to pay the cost of maintaining repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due (2) the principal of the bonds as the same shall fall due (3) the necessary fiscal agency charges for paying principal and interest and (4) any premium upon bonds retired by call or purchase as herein provided The use and disposition of such sinking fund shall be subject

to such regulations as may be provided in the resolution authorizing the issuance of bonds or in the trust indenture but except as may otherwise be provided in such resolution or trust indenture such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued

Section 16 The commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding The issuance of such turnpike revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the commission in respect to the same shall be governed by the foregoing provisions of this act in so far as the same may be applicable and by the following provisions.

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within three months including any redemption premium thereon.

(b) No turnpike revenue refunding bonds shall be issued unless to refund turnpike revenue bonds which have matured or will mature within three months or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate borne by the turnpike revenue bonds to be refunded.

Section 17 Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto and the trustee under the trust indenture if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the commission or any officer thereof including the fixing charging and collecting of tolls for the use of the turnpike

Section 18 When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bond holders and shall continue to be held for that purpose the turnpike and the connecting roads tunnels and bridges shall become a part of the system of State highways and shall be maintained by the Department of Highways free of tolls and thereupon the commission shall be dissolved and all funds of the commission not required for the payment of the bonds and all machinery equipment and other property belonging to the commission shall be vested in the Department of Highways.

Section 19 The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof

Section 20 The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Section 21 All acts and parts of acts inconsistent with this act are hereby repealed.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHEARER. Mr. Speaker, I rise in support of the bill extending the Pennsylvania Turnpike from Carlisle to Philadelphia. While the bill mentions the present eastern terminus as at or near Middlesex, Middlesex is a hamlet in my county three miles east of Carlisle and the entrance from the East to the Pennsylvania Turnpike on Route 11 is between Middlesex and Carlisle.

If we in Cumberland County were inclined to be selfish we would vote against the extension of the Pennsylvania Turnpike because the great cloverleaf developed on the northern boundary of Carlisle affords the main opporunity for those coming from North, East, West and South to use the toll road. Routes 11, 34, 74, 641, and 33 converge at Carlisle, Route 34 being the short route from the north to the south, and Route 11 being the main traffic artery from Harrisburg to the West. Carlisle is at present the main eastern terminus of the Pennsylvania Turnpike with all of the economic advantages which that position affords.

I am for the bill:

First, because the extension of the Turnpike will bring opportunities for work to thousands of our citizens who do common labor.

Second, because our heavy industries will get orders for many types of material, giving work to the iron, steel, cement, sand, stone and lumber industries.

Third, because it will afford a military highway connecting the steel mills of Pittsburgh with the port of Philadelphia.

Fourth, while the present bill gives the Commission the right to choose the site for the Administration buildings, I wish to point out that the logical place for the Administration buildings is at Carlisle, the half way point between Irwin, the western terminus, and Philadelphia. Patriotic citizens of Carlisle have donated many acres of land for the cloverleaf on Carlisle's northern boundary.

This cloverleaf is on a high bluff above the Conodoguinet Creek and there is ample room for Administration buildings between the cloverleaf and the Conodoquinet Creek. With the Blue Ridge Mountains in the distance, and situated in the heart of the beautiful Cumberland Valley, eighteen miles from Harrisburg, and 120 miles from Philadelphia, with ample hotel and other facilities afforded by the historic town of Carlisle, what better site could be desired, especially since the Borough of Carlisle has expended nearly $25,000 of its funds to widen streets and provide new avenues of approach to the new highway?

Fifth, when the extension of the Pennsylvania Turnpike is made it will be constructed under a Republican Administration at Washington with opportunities for Republicans to get some share of the work. There will be economy and efficiency in management so that there will be no difficulty in floating the bonds. There will be prompt consideration and prompt payment given to those landowners through whose lands the Pennsylvania Turnpike passes.

I ask for unanimous support of the bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—191

| | | | |
|---|---|---|---|
| Ackermann, | Ely, | Lichtenwalter, | Sarraf, |
| Achterman, | Ewing, | Long, | Scanlon, |
| Allmond, | Falkenstein, | Lovett, | Schrock, |
| Andrews, | Finnerty, | Lyons, | Schrope, |
| Atkins, | Fisher, | Madden, | Schwab, |
| Baker, | Fiss, | Malloy, | Seif, |
| Balliet, | Flanagan, | Malone, | Serrill, |
| Balthaser, | Fleming, | Marr, | Shaw, |
| Bardes, | Foor, | McClester, | Shearer, |
| Bennett, | Freed, | McGarrity, | Simons, |
| Bohn, | Fullerton, | McKinney, | Skale, |
| Boles, | Furman, | McLane, | Sloan, |
| Boney, | Gates, | McNally, | Snyder, |
| Boorse, | Gillan, | McVay, | Sollenberger, |
| Boose, | Gillette, | Melchiorre, | Stambaugh, |
| Bower, | Goll, | Mihm, | Stank, |
| Boyd, | Habbyshaw, | Montgomery, | Stewart, |
| Brancato | Haines | Mooney, | Stockham |
| Bretherick | Hall, | Moran, | Sweeney, |
| Broad, | Harbeson, | Moser, F. S., | Tahl, |
| Bronson, | Harkins, | Moser, J. L., | Tarr, |
| Brown, H. S. | Haudenshield, | Muir, | Taylor, |
| Brown, S. W., | Hess, | Munley, | Terry, |
| Brunner, | Hewitt, | O'Brien, | Thistle, |
| Burns, | Hindman, | O'Connor, | Thompson, E. F., |
| Burris, | Hocke, | O'Dare, | Thompson, G. R. |
| Cadwalader, | Hoffman, J. N., | O'Keefe, | Tiemann, |
| Calvin, | Hoffman, S. K., | Ominsky, | VanAllsburg, |
| Carpenter, | Holland, | O'Neill, | Van Belle, |
| Check, | Hoyt, | Peacock, | Voorhees, |
| Chervenak, | Huntley, | Peale, | Wagner, |
| Christler, | Imbrie, | Powers, | Walsh, |
| Clearwater, | Irvin, | Preston, | Watkins, |
| Cohen, H. B., | James, | Readinger, | Webster, |
| Cohen, R. E., | Jirolanio, | Reagan, | Weiss, |
| Cooper, | Johnston, | Reese, D. P., | Welsh, E. B., |
| Cordier, | Jones, | Reese, R. E., | Welsh, M. J., |
| Corrigan, | Kane, | Regan, | Westrick, |
| Cortese, | Keenan, | Reynolds, | Wilkinson, |
| Curran, | Kenehan, | Rhodes, | Williams |
| Dalrymple, | Kilroy, | Rider, | Wilson, |
| Denman, | Kline, | Riley, | Winner, |
| DeNote, | Knoble, | Robertson | Wood, H. M., |
| Dick, | Kowalski, | Rooney, | Wood, L. H., |
| Dix, | Krise, | Rose, | Woodside, |
| Donahue, | Leisey, | Roseberry, | Yeakel, |
| Donohoe, | Levy, | Rosenfeld, | Turner, |
| Downey, | Leydic, | Rothenberger, | Speaker. |
| Eckels, | | | |

NAYS—8

| | | | |
|---|---|---|---|
| Alspach, | Clark, | Royer, | Trout, |
| Auker, | Henry, | Sarge, | Wood, N., |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No 16, entitled:

An Act to further amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board", by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | Levy, | Sarge, |
| Ackermann, | Downey, | Leydic, | Sarraf, |
| Allmond, | Eckels, | Lichtenwalter, | Schrock, |
| Alspach, | Ely, | Long, | Schrope, |
| Andrews, | Ewing, | Lovett, | Schwab, |
| Atkins, | Falkenstein, | Lyons, | Seif, |
| Auker, | Finnerty, | Madden, | Serrill, |
| Baker, | Fisher, | Malloy, | Shaw, |
| Balliet, | Fiss, | Marr, | Shearer, |
| Balthaser, | Flanagan, | McClester, | Simons, |
| Bardes, | Fleming, | McGarrity, | Skale, |
| Bennett, | Foor, | McKinney, | Sloan, |
| Bohn, | Freed, | McLane, | Snyder, |
| Boles, | Fullerton, | McNally, | Sollenberger, |
| Boney, | Furman, | McVay, | Stambaugh, |
| Boorse, | Gates, | Melchiorre, | Stank, |
| Boose, | Gillan | Mihm, | Stewart, |
| Bower, | Gillette, | Montgomery, | Stockham, |
| Boyd, | Goll, | Mooney, | Sweeney, |
| Brancato, | Habbyshaw, | Moran, | Tahl, |
| Bretherick, | Haines, | Moser, F. S., | Tarr, |
| Broad, | Hall, | Moser, J. L., | Taylor, |
| Bronson, | Harbeson, | Muir, | Terry, |
| Brown, H. S., | Harkins, | Munley, | Thistle, |
| Brown, S. W., | Haudenshield, | O'Brien, | Thompson, E. F., |
| Brunner, | Henry, | O'Connor, | Thompson, G. R. |
| Burns, | Hess, | O'Dare, | Tiemann, |
| Burris, | Hewitt, | O'Keefe, | Trout, |
| Cadwalader, | Hindman, | Ominsky, | VanAllsburg, |
| Calvin, | Hocke, | O'Neill, | Van Belle, |
| Carpenter, | Hoffman, J. N., | Peacock, | Voorhees, |
| Check, | Hoffman, S. K., | Peale, | Wagner, |
| Chervenak, | Holland, | Powers, | Walsh, |
| Christler, | Hoyt, | Preston, | Watkins, |
| Clark, | Huntley, | Readinger, | Webster, |
| Clearwater, | Imbrie, | Reagan, | Weiss, |
| Cohen, H. B., | James, | Reese, D. P., | Welsh, E. B., |
| Cohen, R. E., | Jirolanio, | Reese, R. E., | Welsh, M. J., |
| Cooper, | Johnston, | Regan, | Westrick, |
| Cordier, | Jones, | Reynolds, | Wilkinson, |
| Corrigan, | Kane, | Rhodes, | Williams, |
| Cortese, | Keenan, | Rider, | Wilson, |
| Curran, | Kenehan, | Riley, | Winner, |
| Dalrymple, | Kilroy, | Robertson, | Wood, H. M., |
| Denman, | Kline, | Rooney, | Wood, L. H., |
| DeNote, | Knoble, | Rose, | Wood, N., |
| Dick, | Kowalski, | Roseberry, | Woodside, |
| Dix, | Krise, | Rosenfeld, | Yeakel, |
| Donahue, | Leisey, | Rothenberger, | Turner, |
| | | Royer, | Speaker. |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

## ADJOURNMENT

Mr. STOCKHAM. Mr. Speaker, I move that this House do now adjourn until Thursday, May 16, 1940, at 3 p. m.

The motion was agreed to, and (at 9:43 p. m.) the House adjourned until Thursday, May 16, 1940, at 3 p. m.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

Extraordinary Session of 1940.

Vol. 24 HARRISBURG, PA., MONDAY, MAY 13, 1940. No. 5.

## SENATE

MONDAY, May 13, 1940.

The Senate met at 8:00 P. M., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

### PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

God of all wisdom and counsel and might, we thank Thee for the continued peace and security of our nation amidst the confusion, turmoil and disasters which stalk the earth.

But we watch with deep anxiety and apprehension the constantly lengthening shadow created by the ugly head of totalitarianism as it ruthlessly slays weaker nations definitely pledged to strictest neutrality, divests them of the last semblance of liberty and independence and crushes the integrity of peace-loving peoples under the abominable cloak of military expediency.

After the lapse of but twenty-two years have the fields of Flanders again begun to be soaked with innocent blood being shed for their national defense exemplified by a people of indominable courage. And who of us, Our Father, canst prophesy from what mast or fortress the swastika may yet be unfurled or the farthermost boundaries be set in a far-flung domain over-ruled by a madman drunk with power!

But yesterday our thoughts fondly dwelt upon the beauty of motherhood and today they dwell upon the awful price being silently paid by the mothers of men. God forbid that this price will again be demanded of the mothers of this Commonwealth and nation nor the supreme sacrifice of their fair sons!

May the spirit of national defense continue to be practically exemplified in our nation and among our people just as definitely as we set our hands to the task of supplying the human needs of our fellow citizens.

And now in this evening's session may the minds and hearts of the members of the Senate be given unto cooperation and harmony in the furtherance of proposed legislation about to be introduced to them. We pray in the name of Him who is able to keep us from falling. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the perceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. Rice, the further reading was dispensed with, and the Journal was approved.

### LEAVE OF ABSENCE

Mr. OWLETT asked and obtained leave of absence for the Senator from Somerset, Mr. EALY, for the Session of May 13, 1940.

### PETITIONS AND REMONSTRANCES

#### PETITION URGING PAYMENT DUE FORMER PROPERTY OWNERS FOR LAND TAKEN BY TURNPIKE COMMISSION

Mr. DENT. Mr. President, I think this can be classed as a privileged resolution and I desire that it be read for the benefit of the Senators.

The PRESIDENT. The Chair cleared his table and laid before the Senate the following communication:

Mr. DENT presented the following petition from property owners in Westmoreland County.

To the Honorable Arthur H. James, Governor, Commonwealth of Pennsylvania:

We the undersigned, are property owners in Westmoreland County, Pennsylvania, whose property has been taken or damaged by the right of way of the Pennsylvania turnpike. We respectfully ask Your Excellency to intervene in our behalf with the proper authorities, in order that we might receive prompt settlement with the Pennsylvania Turnpike Commission for the taking of our land. We represent that many months have passed since our lands have been damaged or taken, and no settlement has been made. We feel that this condition is contrary to the ideals and principles of American democracy, and we respectfully petition for relief. And we will ever pray, etc.

(SIGNATURES)

### NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

#### NOMINATION FOR APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1940.

In conformity with law, I have the honor to nominate for the advice and consent of the Senate William L. Owens, Stroudsburg, Monroe County, for appointment as a member of the Board of Trustees of Farview State Hospital, for the term of four years and until his successor is qualified, vice Olaf J. Pederson, resigned.

ARTHUR H. JAMES

#### NOTARIES PUBLIC

He also presented in writing from His Excellency, the

Governor of the Commonwealth, nominations for appointment as Notaries Public, which were laid on the table.

ATTORNEY GENERAL'S FORMAL OPINION No. 342

The Chair presented the following opinion from the Attorney General which was read by the Clerk as follows:

DEPARTMENT OF JUSTICE

Harrisburg, Pa., May 13, 1940.

Formal Opinion No. 342.
Honorable Samuel S. Lewis,
President of the Senate,
Harrisburg, Pennsylvania.

Sir:

Receipt is acknowledged of the communication of May 8, 1940, addressed to me by William J. Ridge, Chief Clerk of the Senate, wherein it is requested that I comply with a Resolution of the Senate adopted May 7, 1940. This Resolution is as follows:

"Resolved, That the Chief Clerk of the Senate obtain from the Attorney General an opinion on the following qustion:

" 'May this General Assembly at this Special Session and under the Proclamation of the Governor enact legislation relative to the $2000.00 bond now required to be signed by relief recipients by the Department of Public Assistance?' "

This session of the General Assembly was specially convened by the Governor by his Proclamation dated April 29, 1940 pursuant to the provisions of Article IV, Section 12, of the Constitution. Legislation at extraordinary or special sessions of the General Assembly is restricted by Article III, Section 25, of the Constitution in the following words:

"When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session."

The foregoing restrictions upon the scope of legislation at such sessions have been judicially construed by our appellate courts. Among the more recent germane cases is that of Commonwealth ex rel. Schnader v. Liveright, Secretary of Welfare, et al., 308 Pa. 35, decided by the Supreme Court April 7, 1932. Speaking through Mr. Justice Kephart, the court said in part, beginning at page 58 of 308 Pa.:

" * * * A subject may be so broad or general, having so many ramifications, that the special matter in relation thereto, on which legislation is desired, must be stated in the call. Though a general subject is stated through a specification of a particular matter in connection therewith, this does not open the door for any legislation germane to the general subject beyond the scope of the specification. It must be confined to the specialized matter as interpreted in view of the general subject. * * *"

The only portions of the Governor's Proclamation convening the present Extraordinary Session, relating to public assistance, are those contained in subjects Nos. 1, 5 and 7.

Subject No. 1 of the Proclamation is as follows:

"1. Appropriations for payment of public assistance and for payment of administrative, auditing and disbursement expenses relating thereto."

Subject No. 5 of the Proclamation is as follows:

"5. In order to make funds available in the General Fund to meet the appropriations mentioned above, legislation providing for:

(a) The transfer of moneys to the General Fund from various special funds in the State Treasury and the subsequent reimbursement of such special funds out of the General Fund:

(b) Reductions in such appropriations made by the General Assembly at its session of one thousand nine hundred thirty-nine as may be practicable."

Subject No. 7 of the Proclamation is as follows:

"7. Legislation necessary to conform the provisions of the Public Assistance Law to the new definition of the term 'dependent children' contained in Title IV of the Federal Social Security Act, as amended."

It is quite clear that we can at once eliminate for the purposes of our present discussion the foregoing subjects Nos. 5 and 7, for the reasons that subject No. 5 relates merely to legislation making available funds to meet any appropriation made pursuant to subject No. 1; and subject No. 7 confines legislation thereunder to such as is necessary to conform the provisions of the Public Assistance Law to the definition of "dependent children" contained in Title IV of the Federal Social Security Act, as amended.

Subject No. 1 of the Proclamation does not relate to the general subject of public assistance. It is confined to the specification of a particular matter in connection therewith, and this particular matter is appropriations. Consequently any legislation enacted under subject No. 1 must be confined to the specialized matter of appropriations in relation to the general subject of public assistance.

It is my opinion, therefore, and you are accordingly advised, that the General Assembly at the present Extraordinary Session may not, under the Proclamation of the Governor convening the same, enact legislation relative to the $2000.00 bond now required to be signed by relief recipients by the Department of Public Assistance.

Very truly yours,

[s] CLAUDE T. RENO,
Attorney General.

The PRESIDENT. The opinion of the Attorney General just read will be spread at length in the Journal and in the History.

COMMUNICATION FROM THE HOUSE OF REPRESTATIVES

The PRESIDENT. The next order of business will be consideration of messages from the House of Representatives

QUESTION OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a question of information on the subject now before the Senate.

Mr. PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of information.

Mr. CAVALCANTE. Mr. President, is the House in session at this time?

The PRESIDENT. The Chair understands not.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante will state his point of order.

Mr. CAVALCANTE. Mr. President, the House not being in session and the Journal of this Senate showing that the House has adjourned until Thursday, May 16th of 1940, I move you the point of order that we may not receive any messages from the House because they are not in session.

The PRESIDENT. The Chair must rule that the point of order is not well taken.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 1, (Senate Bill No. 4), entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

Which was committed to the Committee on Finance.

House Bill No. 2, (Senate Bill No. 5), entitled:

An Act transferring money from the Motor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Finance.

House Bill No. 3, (Senate Bill No. 6), entitled:

An Act transferring money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Finance.

House Bill No. 4, (Senate Bill No. 7), entitled:

An Act transferring money from the Liquor License Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Finance.

House Bill No. 5, (Senate Bill No. 8), entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Finance.

House Bill No. 6, (Senate Bill No. 9), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

Which was committed to the Committee on Finance.

House Bill No. 7, (Senate Bill No. 10), entitled:

An Act to amend the act, approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-three), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with the General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or its projects", by reducing the amount appropriated.

Which was committed to the Committee on Finance.

House Bill No. 8, (Senate Bill No. 11), entitled:

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

Which was committed to the Committee on Finance.

House Bill No. 9, (Senate Bill No. 12), entitled:

An Act to amend the act, approved the ninth day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects", by reducing the amount appropriated.

Which was committed to the Committee on Finance.

House Bill No. 10, (Senate Bill No. 13), entitled:

An Act to amend certain appropriation items contained in section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine, (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine.

Which was committed to the Committee on Finance.

House Bill No. 11, (Senate Bill No. 14), entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled May sixth, one thousand nine hundred forty, in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth, one thousand nine hundred forty.

Which was committed to the Committee on Finance.

House Bill No. 12, (Senate Bill No. 15), entitled:

An Act making an appropriation to aid certain school districts.

Which was committed to the Committee on Finance.

House Bill No. 13, (Senate Bill No. 16), entitled:

An Act to amend clause (u) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven), entitled "Unemployment Compensation Law," by redefining, for certain purposes of the act, the term "wages."

Which was committed to the Committee on Finance.

House Bill No. 14, (Senate Bill No. 17), entitled:

An Act to amend paragraph (a), paragraph (b), as amended, and paragraph (c) of section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "Administrative Code of 1929," by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board.

Which was committed to the Committee on Finance.

House Bill No. 15, (Senate Bill No. 18), entitled:

An Act to amend section six hundred twenty-eight of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three

hundred thirty-three), entitled "Pennsylvania Election Code," by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

Which was committed to the Committee on Finance.

House Bill No. 16, (Senate Bill No. 19), entitled:

An Act to further amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled "Public Assistance Law" by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

Which was committed to the Committee on Finance.

House Bill No. 22, (Senate Bill No. 20), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County, to a point at or near the City of Philadelphia; and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation, and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Which was committed to the Committee on Finance.

## BILLS INTRODUCED

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 21, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty.

Which was committed to the Committee on State Government.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 22, entitled:

A Joint Resolution proposing an amendment to article four of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on State Government.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 23, entitled:

An Act to amend sections four hundred one, four hundred three and four hundred four of the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937), entitled "An Act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by reducing the waiting period, and by increasing the weekly amount of compensation and the number of weeks during which the same shall be paid.

Which was committed to the Committee on Labor and Industry.

## QUESTION OF PERSONAL PRIVILEGE

Mr. RUTH. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Berks, Mr. Ruth, will state his question of personal privilege.

Mr. RUTH. Mr. President, and gentlemen of the Senate: In my almost ten years of service in the House and Senate, I have never burdened the Legislative Journal with long speeches. Today I pray your indulgence, to depart from that rule, because in the present bewilderment of the world, torn between war and crime, selfishness and greed, charity and love, and longings for peace and prosperity, I believe it would be well for us to pause and look at some of the abiding things in life that help us to keep the spark of hope still burning. Yesterday we celebrated Mother's Day. Just a pause—a day out of the three hundred and sixty-five; a little eddy in the swift current of events, where we may hold the craft steady for a few hours, and glance back at the course we have followed, while looking forward to the next bend in the stream of life. And we call it Mother's Day.

Not that Mother has requested it. Mother requests nothing for herself in the way of worship. Here is a service rendered without hope of reward. For there is no reward adequate for the service which she has given. freely. But that we may pause for a time, and think of Mother, and kiss her if she is with us, or write to her if she is absent, or pray for the repose of her soul if she has passed. That we may call attention to the beauties of motherhood, and teach our children something of their debt to Mother—that is why we have designated the day Mother's Day.

In the darkened cells of prisons on this day will enter the mother-love, as it enters upon all days. Into the proudest mansions it will go. Everywhere, wheresoever breathes a human being—there will mother-love enter. Nor riches nor poverty, nor sickness nor health, nor honor nor disgrace can stay it from flooding its own with its great comforting rays.

Mother-love came into the world with the first faint flicker of life. It will continue until all else has perished. One cannot more think of the earth without mother-love existing in it, than he can think of the sun without light.

And, oh, the sacrifices which a mother makes! The weary hours which she spends! The anxiety that is hers! The toil which she endures, that those she loves may be made comfortable! The sleepless nights she spends, watching, watching, watching—thinking of her own! The world tumbles itself into bed and closes its eyes. It lies down to peaceful slumber, to sweet repose. But somewhere is a boy or girl, somewhere, the mother knows not where. And

somewhere a mother cannot slumber. Her rest is broken. Her heart is heavy with anxieties. If only the boys and girls of this world knew the uneasiness of a mother when they are absent from the home.

Mother's Day! Peace be unto all Mothers—the peace that comes only for those of great love as mother's love. Peace be unto them, and great joy! For theirs is the realm of all that is good and holy!

Some years ago Elouise Sanford said, "One good mother, runs an old saying, is worth a hundred school teachers. Still another is, "Show me a great man and I will show you a great mother." It does not matter whether the well-known man is alive and active today or whether he lived a few generations or a few centuries ago, one thing is almost invariably certain to be true, his success was due largely to the influence of his mother. And "influence" is too mild a word, for these mothers gave their love, their energy, their best thoughts and every sacrifice for their sons. Caesar was educated by his mother, Aurelia, and upon her advice set forth to canvass for the office of Pontifex Maximus.

Edison was educated, aside from a very few years in a country school, at his mother's knee. When he began helping to earn the family's daily bread by selling newspapers on trains and first learned about telegraph instruments, it was his mother who advised him to use his spare time in studying the mystery of electricity. It was a mother's far-seeing eyes that saw a future for her boy in the wonderful invention that sped messages over thousands of miles of wires.

The mother of James Cardinal Gibbons, who was born in Baltimore in 1834, needed every penny her son could earn to help support the family, since she was a widow with six children, but when she found that her boy "Jimmy" longed to enter the priesthood she gave him to the church. She managed to get along without his much-needed earnings, and did everything possible to aid him. Cardinal Gibbons' mother was the daughter of an Irish farmer. Upon her marriage she came to America. Her children were born here, but owing to her husband's health the family returned to Ireland where her husband died. Back to America, the land of promise, she came with her brood. They were wrecked off the Bahamas and lost what few worldly effects they had owned. But in New Orleans she began to struggle for them. Her son James found employment in mercantile business and his wages were a godsend. Yet when his mother found that he wanted to enter the priesthood nothing could stop her helping him. She lived long enough to see him active in a parish, a successful and beloved priest.

Napoleon's father was, in plain words, a good-natured but lazy Italian farmer. But his Corsican mother possessed a great mind and dynamic energy. Her boy, Napoleon, could not be lazy; she made him ambitious and she instilled into him the same dynamic energy and restless ambition that afterward made him the conqueror of Europe.

Out in Dayton, Ohio, Milton Wright, Bishop of the United Brethren, had two boys, Wilbur and Orville. Their mother was a deeply devout woman and, as is customary, their friends and relatives frequently said, "I suppose your sons will enter the ministry."

"I hope so," was the reply of both mother and father. But this was when they were very small. As they developed into sturdy lads both evidenced such deep interest in things mechanical that when the subject of their future came up for serious discussion and the boys frankly admitted they did not care to enter the ministry, it was the deeply devout but wise mother who said, "Let them follow that for which they are best fitted. If mechanics suits them best, let them tinker and experiment."

Their mother died while they were in high school. At that time they had equipped an old shed as a workshop and were repairing bicycles and making all sorts of mechanical experiments. Many people laughed at them and declared they were wasting golden opportunities "tinkering around," but all the world knows what their tinkering amounted to—the perfection of the heavier-than-air flying machine. Doubtless their mother would have rejoiced to see them follow in their father's footsteps. But who can fathom the wisdom of the mother mind? It was her judgment, her influence over her family, that enabled these boys to achieve their great success.

Quite the reverse of this is the story of William Penn. His father was a worldly man, an admiral and courtier of considerable reputation. He sent his son to Oxford, for he hoped to make his son, too, a worldly man of affairs, to secure some public commission for him, to have him become a powerful man at court. Penn's mother, Margaret Jasper, daughter of a wealthy Rotterdam merchant, was a pious woman who gave her son the best religious training that she was able.

And when Penn was expelled from Oxford because he had publicly accepted the Quaker belief, and his father angrily turned him out of doors, it was his mother who interceded and got him reinstated. Later, when sent to jail for preaching on the street, and his father once more set him adrift, his mother championed him. All the world knows his achievement in America, his famous treaty with the Indians, the establishment of our beloved State, Pennsylvania. But how many even knew his mother's name?

Elizabeth Jennings, mother of William Jennings Bryan, was much alone with her five children because her husband had to be away from home a great share of the time. She helped the boy constantly in his studies, selected his course and aided him to secure his entrance to the University of Illinois, advised him concerning his law course and counselled him when he entered politics. His mother's advice concerning his struggles in politics in his early days was, it has been said, as sound and keen as any that any veteran politician could have given. She kept close in touch with public affairs to better advise her son. Bryan's salary as a Congressman bought a home for his mother for her old age. It is always to be regretted that she died only a few days before he made the famous "Cross of Gold" speech.

If every boy whose mother hoped he would become a minister could have followed her ambition, there would be more pulpits than pews. It is but natural that so many mothers should have this ambition. The mother of Charles E. Hughes, Mary Catherine Connelly, firmly believed her boy would, like his father, become a clergyman. But when she found that he preferred the law, that his very early essays showed great adaptability for that profession, she did everything possible to encourage and help him. When, as a school boy in Newark, N. J., he wrote a remarkable treatise on "The Limitations of the Human Mind," and another on "The Evils of Light

Literature," his mother felt that he could not fail at the bar, possessing such a head for logic and argument.

Sometimes it is the much abused stepmother to whom credit is due for a man's success. Abraham Lincoln's mother, Nancy Hanks, died when Lincoln was ten years old. He had no schooling at that time. Lincoln's father married a widow, Mrs. Sally Johnston, nee Bush. She was a woman of more than average mental ability. Lincoln's father was not ambitious, to say the least, but Lincoln's stepmother was quick to note the boy's brightness and made every effort to teach him. She also borrowed what few books were to be secured in that vicinity and even bought some books out of her hard-earned hoard of pennies. At his stepmother's knee young Lincoln acquired the rudiments of an education. At the urging of his mother he read those few books over and over by the light of the log fire. A taste of education spurred him on. How he worked to pay for his education is history, and the quality of that education is revealed in his Gettysburg address. The real mother of Lincoln is known because she was his mother, but little credit has fallen to the lot of his stepmother who started him right, who recognized inherent ability and who did her very best to educate him.

Martha Bulloch was proud of many things. She was proud of the fact that her brother had been an officer in the Confederate Army, that her uncle had been a Mexican War hero, that her ancestors had been Revolutionary fighters against oppression and for liberty. And when she married and had a son, she was proud, among other things, to tell young Theodore Roosevelt of her pride in a race of men not afraid to fight for whatever they believed right. She believed in strenuosity and good health and when, as a boy, her son was not very rugged, she did everything to help him build up his constitution. She encouraged his hunting and fishing, his roughing it in the West, and by the time he was through college he had developed from a weakly boy into one of rugged health—Roosevelt we all know, a rugged, indefatigable man.

Without his good health he could not have succeeded as he has. There was no doubt about his getting an education. His father was a man of considerable means. His mother did not have to worry about expenses, so she saw to it that her boy grew up to appreciate the value of a man who is strenuous and ready, at the drop of a hat, to fight. But she saw to it that he understood that the fight must always be for the right, for honest convictions. Her influence upon her son was decidedly marked and there is no doubt but that it gave him the right start at the beginning of his life. When the results of his mother's interest in him became apparent to all the world, he said "The woman's task is not easy—no task worth doing is easy—but in doing it, and when she has done it, there shall come to her the highest and holiest joy known to mankind; and having done it, she shall have the reward prophesied in Scripture; for her husband and her children, yes and all people who realize that her work lies at the very foundation of all national happiness and greatness, shall rise up and call her blessed."

It really does not matter what walk of life a man may follow, there are always to be found an endless array of examples where it was the unknown mother of the well-known man who really deserved a great share of the credit for his success. Another woman who understood that without good health success would practically be impossible was the mother of Andrew D. White, first president of Cornell and famous diplomat. All his mother's energies were directed to making him a strong boy, a healthy outdoor boy, so that by the time he was ready for college he had the stamina to go through his studies without physical strain. He wanted to go to Yale; his father said that a college out near their home in New York State would be better. His mother planned for him. And like many a mother who finds herself between the desire of a son and the distastes of a husband, she resorted to diplomacy. They were to go to New York to hear Jenny Lind sing. "I wish Andrew could hear her," she said, so his father consented to take the boy along to hear the great singer; and while he was in New York his mother argued, "Now that Andrew is so near to New Haven, why not send him to Yale?" She had her way and as a result of her cleverness, her constant thought for the boy, there came the big chance of which he made the most.

When Luther Burbank was a very young man it looked as though he were on the road to a quick fortune. At twenty-one he was working for a plow manufacturer in a Massachusetts town and he invented a valuable machine for the manufacture of plows. The owner of the factory wanted young Burbank to enter into partnership with him. It was a splendid opportunity. But the young man wanted to experiment in horticulture.

From boyhood he had "puttered" around the little garden in the backyard of their cottage home. His mother had encouraged him and his success at making things grow was wonderful. Farmers would say, "Luther's got the knack of growin' things." His mother knew it was more than "knack." She knew how interested the boy was in nature and how hard he studied. She knew it was his knowledge of plant life that had helped him. Before he perfected his invention they were quite poor and his efforts were needed to help support them. When his patent was perfected and a steady although small income was insured, he walked home one day and said, "Mother, I've quit the factory and am never going back."

"That's just what I wanted you to do, my son," she said. "Now you can experiment." It was his mother who suggested that they go to California where the climate gave him better opportunity for his horticultural experiments, and together they went out West.

She worked with her son, encouraged him and helped him constantly and while she lived he gave no thought to marriage. His achievements in horticulture are known the world over, but the share that his mother, Betsy Ross Burbank, had in them is not known.

Louis W. Hill, son of the late James J. Hill, "Empire builder of the West," had a remarkable mother, Mary Mehegan, daughter of an Irish tailor. Mary was a waitress in a boarding house when James J. Hill met her, fell in love with and married her. And the beautiful little woman never changed in all her years. She was the same sincere, quiet, helpful woman when living in the five-million-dollar mansion in St. Paul as when waiting on a table at a water front boarding house and she brought up her children so simply that despite their millions, there was no trace of snobbishness in them. They were taught by their mother to understand that a person's worth was not in his clothes or his wordly possessions, but in his heart and mind. Louis W. Hill, who took his father's place and handled his millions upon millions of dollars' worth of railroads, mines, shipping and banks, did not seek a

society bud or heiress for a wife, but followed in his father's footsteps. He married a trained nurse.

Henry Ford's father wanted his son to help him on the farm. He really needed him. His mother, Mary Litogot, admitted that this was true, but she understood that her boy did not care for the farm, that he was never so happy as when mending broken farm implements. "He wants to be a machinist," she said, "And so he will never make a good farmer; let him go to the city and get a job in a machine shop." Her husband agreed, but had his mother said nothing, had she lacked wisdom to see what her boy liked best, he would have doubtless wasted the best years of his life drudging on a farm.

It did seem as though Thomas Woodrow Wilson would become a clergyman. But because his mother understood him and encouraged him in his desires he became an educator, Governor, and one of the greatest Presidents of our Nation. His mother was Jessie Woodrow, daughter of the Rev. Thomas Woodrow, a minister. His father was also a clergyman, so was his uncle. His mother was a woman of fine personality and rare gifts. She could see that her boy did not want to become a clergyman and she could understand. Her help was constant during his childhood and her influence aided him in taking up the life work he liked best.

It was mother-love which prompted a Hebrew woman to hide her boy baby, in spite of the edict of a Pharoh, and it was unrequieted mother-love which prompted an Egyptian princess to rear that boy and train him in the fundamentals which enabled him to be the greatest of mere men ever born in the world's history. For it was Moses, who liberated his people, and perpetuated a race, which has been much maligned, and persecuted during the history of the world, and yet this same race has given to the world its greatest benefactors.

It has been said that talent goes from father to daughter and mother to son, but it is not so much "talent" as that wonderful mother love which enables the mother to see further ahead than the father is able to. All the inherited talent in the world would not suffice unless the youth were properly reared, encouraged, helped, enthused, guided and protected by a mother."

Sam P. Jones once said, "One calm, bright, sweet, sunshiny day an angel stole out of heaven and came down to this world, and roamed field and forest, city and hamlet; and just as the sun went down, he plumed his wings and said: "Now my visit is out, and I must go back to the world of light, but before I go, I must gather some mementos of my visit here;" and he looked over into a beautiful flower garden and said: "How lovely and fragrant these flowers are." And he plucked the rarest roses, and made a bouquet and said: "I see nothing more beautiful and fragrant than these; I will take them with me."

But he looked a little farther and there saw a little bright-eyed, rosy-cheeked babe smiling into its mother's face, and he said: "Oh, that baby's smile is prettier than this bouquet, I will take that, too."

Then he looked just beyond the cradle, and there was a mother's love, pouring out like the gush of a river toward the cradle and the baby, and he said: "Oh, that mother's love is the prettiest thing I have seen on earth; I will carry that, too."

With these three treasures, he winged his way to the pearly gates, and just lit on the outside, and said: "Before I go in I will examine my mementos," and he looked at the flowers and they had withered; he looked at the baby's smile and it had faded away; he looked at the mother's love and there it was in all its pristine beauty and fragrance.

He threw aside the withered flowers and the faded smile, and winged his way through the gates and led all the hosts of heaven together and said: "Here is the only thing I found on earth that would keep its fragrance all the way to heaven—a Mother's love."

Mother's Day—mother-love, thank God for it as one of His rarest gifts to man on earth, and may we always strive to keep it as one of the fundamentals of our country.

## RESOLUTION REQUESTING HEADS OF DEPARTMENTS TO APPEAR BEFORE SENATE COMMITTEE

Mr. SHAPIRO. Mr. President, I assume the next order of business is that which calls for resolutions and I therefore desire to offer the following resolution, which I will read:

In the Senate, May 13, 1940.

Resolved, That the Secretary of each of the following departments: Agriculture, Forests and Waters, Health, Labor and Industry, Proprty and Supplies, Public Instruction, Revenue, Welfare, the State Treasurer, the Auditor General, the Director of the State Authority, and a representative of the Veterans Bureau, be and are hereby requested to appear before the particular Senate Committee which will have in charge appropriation bills or transfer bills now pending in the Legislature affecting the activities or the funds of their respective departments, and

Further Resolved, That said persons shall furnish the said committee or committees, with full information of the present financial status of their respective departments, as well as information concerning the effect of the proposed reduction in their departmental appropriation or the transfer of funds upon their department activities or governmental functions for the biennium ending May 31, 1940, and that stenographic notes be taken of the said hearings and transcribed for the information of the General Assembly, and

Further Resolved, That the chairman of the said respective committees shall give notice of the time and place of said hearings to the said persons required by this resolution to appear before them, as well as to the members of the Senate, and

Resolved, That the hearings of all committees to which the various departments of the government will furnish information in connection with the said pending legislation for transfer of funds or reductions of budget allowances shall be open to members of the Senate and the public generally, and that public notice be given of the time and place of such hearings.

Mr. SHAPIRO. Mr. President, I understand it is the desire of the majority leader of this Senate to have a recess of the Senate, and for that reason I have presented the resolution and will call it up after the recess.

The PRESIDENT. The resolution will lie on the table until after the recess.

## RESOLUTION RELATIVE TO EXECUTION OF BONDS BY RELIEF RECIPIENTS

Mr. HALUSKA offered the following resolution, which was twice read:

In the Senate, May 13, 1940.

Whereas, The rule or regulation of the Department of Public Assistance requiring relief recipients to execute a bond as a condition precedent to receiving relief has been a constant source of public indignation for years as the requirement has had the effect of penalizing only those citizens of the Commonwealth who heretofore

through their industry and thrift managed to become home owners; and

Whereas, The General Assembly regards home ownership as one of the highest forms of good citizenship and wishes to encourage it in every conceivable manner; and

Whereas, The interests of the Commonwealth are adequately and fully protected by existing law; therefore be it

Resolved (if the House of Representatives concur), That the Secretary of the Department of Public Assistance is hereby directed to discontinue the rule or regulation requiring relief recipients to execute a bond as a condition precedent to qualifying for relief and that henceforth no such requirement shall be made.

On the question,

Will the Senate agree to the Resolution?

Mr. HALUSKA. Mr. President, I ask that immediate consideration be given the resolution which has just been read.

Mr. OWLETT. Mr. President, I object.

Mr. HALUSKA. Mr. President, I ask for a roll call.

Mr. CAVALCANTE. Mr. President, I second the motion.

## POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, no roll call is needed on a request for unanimous consent. The resolution should go to a committee when there is objection.

The PRESIDENT. The point of order of the Senator from Tioga is well taken.

Mr. HALUSKA. Mr. President, I recall the motion and make instead the following motion.

## MOTION TO SUSPEND RULE 39

Mr. HALUSKA. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I object.

## MOTION WITHDRAWN

Mr. HALUSKA. Mr. President, at the request of the Senator from Tioga, Mr. Owlett, I will recall my motion to suspend rule 39.

The PRESIDENT. Does the seconder of the motion recall his seconding of it?

Mr. CAVALCANTE. Mr. President, I do.

The PRESIDENT. Is there objection? The Chair hears none. The motion is recalled.

## MOTION TO LAY RESOLUTION ON THE TABLE

Mr. HALUSKA. Mr. President, I move that the resolution be placed on the table for later consideration.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

## RESOLUTION MEMORIALIZING MRS. MAUDE BYERS TRESCHER

Mr. DENT offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 13, 1940.

Mrs. Maude Byers Trescher, one of Jeanette's foremost citizens and a former Member of the House of Representatives of the General Assembly, died on Monday, May 6th, in the Westmoreland Hospital after an illness of approximately four weeks.

Mrs. Trescher was elected a member of the House of Representatives in 1924, and served one term, during which time she won the respect and admiration of her fellow members and performed her duties quietly and modestly, but with real benefits to her constituents.

Mrs. Trescher was the widow of the late John H. Trescher, proprietor of the Jeanette Dispatch, and a former sheriff of Westmoreland County.

She was the first woman to be called to jury service after women obtained the right of suffrage. She was a pioneer in the suffrage movement, and was the first woman to be elected to the Jeanette School Board where she served twelve years, eight of which she spent as president of the board. She was one of the organizers of the Jeanette Union Aid Association, an active charitable organization, and was president of this body at the time of her death. She also was one of the organizers of the Jeanette Women's Club, and was a past president, and was the director of publicity of the Westmoreland County Federation.

Mrs. Trescher also served four years as a member of the Board of Directors of the Torrance State Hospital; was a member of the Board of Directors of the Children's Aid Society and was the first woman in Westmoreland County to actively engage in newspaper work.

She leaves to survive her five children, Fred B. Trescher, of Woodlawn, a former assistant district attorney of Westmoreland County, Attorney Robert Trescher of Philadelphia, Dr. John Trescher, connected with John Hopkins Hospital in Baltimore, Mrs. Harris Arnold of Lancaster, and William Trescher, a civil engineer of Jeanette; therefore be it

Resolved by the Senate of the General Assembly of the Commonwealth of Pennsylvania, That in the passing of Mrs. Trescher, the County of Westmoreland has lost a citizen who devoted much of her life to the interest of her community, and the children who survive have been deprived of the love and care of a mother whose record of achievement can at this time be the source of great comfort and solace, and that the Senate extends to those children its deepest sympathy; and be it further

Resolved, That the Secretary of the Senate shall immediately transmit to the children of the deceased, a copy of this resolution.

## SUSPENSION OF RULE 39

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

Mr. KEPHART. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution,

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## RESOLUTION AGAINST DEFERMENT OF PAYMENTS DUE PROPERTY OWNERS FOR LAND TAKEN BY TURNPIKE COMMISSION

Mr. DENT offered the following resolution:

Mr. President, I think this can be classed as a privileged resolution and I desire that it be read for the benefit of the Senators.

In the Senate of Pennsylvania

May 13, 1940.

The construction of the Super Highway between Middlesex, Cumberland County, and Irwin, Westmoreland

County, has necessitated the taking of many acres of private lands belonging to citizens of the Commonwealth.

Although many months have elapsed since such taking, in many cases no payment has been made to the former owner for the loss suffered. Deprived of land which was the source of his former income, upon which he depended for the means to support himself and family, such owner is now faced with the loss of that income and has not been compensated in any way for the property taken.

This situation has resulted in great hardship to many who heretofore have had little trouble in keeping themselves financially independent, but are now unable to meet pressing financial claims against them.

As the Turnpike Commission is easily able to raise the funds necessary to pay these claims and the former property owners are so greatly in need of prompt settlement; therefore be it

Resolved by the Senate of the Commonwealth of Pennsylvania, That the further deferment of payment of moneys due fromer property owners for land taken by the Turnpike Commission in the construction of the Super Highway is not only unnecessary, but is wholly unjustifiable, will tend to cause further trouble and misunderstanding, and may have its effect upon proceedings incident to the extension of the said highway to Philadelphia; and be it further

Resolved, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Chairman of the Pennsylvania Turnpike Commission.

## MOTION TO SUSPEND RULE 39

Mr. DENT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. OWLETT. I object.

The PRESIDENT. The Chair hears objection. The resolution is referred to the Committee on Highways.

## MOTION THAT RESOLUTION LIE ON TABLE

Mr. DENT. Mr. President, instead of having the resolution just read referred to the Highway Committee I suggest that the resolution lie on the table.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, requests that the resolution just referred to the Committee on Highways be laid on the table instead of being referred to committee.

Is there objection?

The Chair hears none. The resolution will lie on the table.

## RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for fifteen minutes, for the purpose of holding a meeting of the Committee on Finance, in the room to the left.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

## REPORTS FROM COMMITTEES

Mr. GELDER, from the Committee on Finance, reported as committed, Senate Bill No. 6, (House Bill No. 3), entitled:

An Act transferring money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money.

He also, from the Committee on Finance reported as committed, Senate Bill No. 7, (House Bill No. 4), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. WOODWARD, from the Committee on Finance, reported as committed, Senate Bill No. 18, (House Bill No. 15), entitled:

An Act to amend section six hundred twenty-eight of the act approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections", by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 19, (House Bill No. 16), entitled:

An Act to further amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled "An act relating to public assistance; providing for and regulating assistance; to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

Mr. EDMONDS, from the Committee on Finance, reported as committed, Senate Bill No. 16, (House Bill No. 13), entitled:

An Act to amend clause (u) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 1937, page 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation

with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by redefining, for certain purposes of the act, the term "wages."

He also, from the Committee on Finance, reported as committed, Senate Bill No. 17, (House Bill No. 14), entitled:

An Act to amend paragraph (a) of and to add a new paragraph (1) to section two thousand four hundred two of the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and providing that such civil service employes of the board as are necessary for the cleaning, care, preservation and protection of such building and the furnishings, records and other matters therein and the operation of its mechanical plants shall perform their duties under the supervision of the Department of Property and Supplies.

Mr. CHAPMAN, from the Committee on Finance, reported as committed, Senate Bill No. 9, (House Bill No. 6), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 8, (House Bill No. 5), entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund providing for the subsequent return from the General Fund of the transferred money.

Mr. PIERSON, from the Committee on Finance, reported as committed, Senate Bill No. 10, (House Bill No. 7), entitled:

An Act to amend the act, approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-three), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by the Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 11, (House Bill No. 8), entitled:

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

Mr. TALLMAN, from the Committee on Finance, reported as committed, Senate Bill No. 4, (House Bill No. 1), entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 5, (House Bill No. 2), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. HEYBURN, from the Committee on Finance, reported as committed, Senate Bill No. 15, (House Bill No. 12), entitled:

An Act making an appropriation to aid certain school districts.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 14, (House Bill No. 11), entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled May sixth, one thousand nine hundred forty, in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth, one thousand nine hundred forty.

Mr. DEITRICK, from the Committee on Finance, reported as committed, Senate Bill No. 12, (House Bill No. 9), entitled:

An Act to amend the act, approved the ninth day of June, one thousand nine hundred thirty-nine (appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two), entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

He also, from the Committee on Finance, reported as committed, Senate Bill No. 13, (House Bill No. 10), entitled:

An Act to amend certain appropriation items contained in Section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools, for two years beginning June first, one thousand nine hundred thirty-nine; and for the payment of bills incurred each and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine."

Mr. OWLETT, from the Committee on Finance, reported as committed, Senate Bill No. 20, (House Bill No. 22), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by provid-

ing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County, to a point at the City of Philadelphia; and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation, and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpikes; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

## CONSIDERATION OF EXECUTIVE NOMINATIONS

### NOTARIES PUBLIC

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 13, 1940, by His Excellency, the Governor of the Commonwealth.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Wence Dolegowski, Pittsburgh, 406 Law & Finance Bldg., 429 Fourth Avenue.
Charles L. Totten, Pittsburgh, 6010 Center Ave.
Miss Margaret Vaccarelli, Pittsburgh, Grant Building.

ARMSTRONG COUNTY

William Phillips, Leechburg.

CAMBRIA COUNTY

Miss Mary G. Miller, Johnstown.

CARBON COUNTY

Mrs. Evelyn T. Heimbach, Palmerton.

COLUMBIA COUNTY

Larue C. Hock, Bloomsburg.

DELAWARE COUNTY

W. Thos. Clark, Upper Darby Twp., 228 Margate Road, Upper Darby.

ERIE COUNTY

Robt. J. Firman, Erie.
Bindley M. Gillespie, Erie.
Randolph H. Hubbell, Jr., Erie
Mrs. Bess E. Olsen, Erie

LACKAWANNA COUNTY

Mortimer B. Fuller, Jr., Scranton.
John Laboranti, Winton.

LEHIGH COUNTY

Miss June Trexler, Allentown.

MONTGOMERY COUNTY

Guy S. Claire, Souderton.
Clifton N. Jacobs, West Norriston Twp., 1616 Sheridan Lane, Norristown.
Paul S. Maust, Springfield Twp., Grove Ave., Flourtown.

PHILADELPHIA COUNTY

J. W. Clark, Phila., 23 South 23d Street.
Miss Elizabeth M. Darcey, Phila., 4323 Lancaster Ave.
Francis J. Delaney, Phila., 4304-4306 Frankford Avenue
George E. Eichele, Phila., 1508 Walnut Street.
Miss Mary T. Foulkes, Phila., 4640 Roosevelt Blvd.
Mrs. Catharine E. Held, Phila., 6917 Torresdale Ave.
Arthur L. Homer, Phila., 917 Lafayette Bldg.
Robert F. Hutzinger, Phila., 412-20 North 18th St.
Howard B. Katzenbach, Phila., 16 West Queen Lane.
J. H. Mattis, Phila., 1726 Locust Street.
Henry S. Ritter, Phila., 10 E. Chelten Avenue.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 13, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

T. M. Brassell, Pittsburgh, 432 City County Building.
G. Harry Harrison, Pittsburgh, 818 Durango Way.
Jos. J. Miller, Jr., Pittsburgh, Try St. Terminal Bldg., 600 Second Avenue.
Miss Margaret M. Windstein, Pittsburgh, 53 Vandergrift Bldg., 323 Fourth Avenue.

BEAVER COUNTY

Ben H. Boss, New Brighton.

BERKS COUNTY

Walter J. Shunk, Jr., Reading.

BUTLER COUNTY

W. H. Bishoff, Butler.

CAMBRIA COUNTY

Mrs. Nancy Meighen, Johnstown.
Mrs. Blanche Widmann, Johnstown.

CHESTER COUNTY

Miss Vivian T. Fahenstock, West Chester.

CRAWFORD COUNTY

Mrs. Ina King Bowen, Spartansburg.

CUMBERLAND COUNTY

Mrs. Anne A. Sterline, New Cumberland.

DAUPHIN COUNTY

Mrs. Helen G. Kane, Harrisburg.

DELAWARE COUNTY

Mrs. Elizabeth A. O'Brien, Radnor Twp., 54 St. Davids Avenue, Wayne.

ELK COUNTY

Robt. F. Pontzer, Ridgway.

LACKAWANNA COUNTY

Stephen Metrinko, Scranton.
Mrs. Bertha E. Poller, Scranton.

LANCASTER COUNTY

John G. Horning, Brecknock Twp., Bowmansville.
Harry F Ruley, Lititz.

LUZERNE COUNTY

Francis X. Knebels, White Haven.

MONTGOMERY COUNTY

Mrs. Adele M. Maloney, Norristown.
Alton O. Rice, North Wales.

PERRY COUNTY

H. Russell Kell, Newport.
Mrs. Velva E. Keller, Marysville.

PHILADELPHIA COUNTY

Mrs. Jane E. Adams, Phila., 631 S. Conestoga St.
Herman Batoff, Phila., 1203 N. American Building.
Mrs. Jenny E. Blumberg, Phila., 435 E. Wyoming Ave.
William N. Britton, Phila., N. E. Cor. 15th and Walnut Streets.
George S. Brown, Phila., 510-14 Pine Street.
Frank J. Buono, Phila., 134 Green Lane.
Geo. M. DeHaas, Phila., 224 South 44th Street.
Miss E. E. Donaldson, Phila., 1632 Chestnut Street.
I. Irwin Fisher, Phila., 404-405 Heymann Building.
James T. Flanagan, Phila., 117 West Louden St., Olney.
Dewey Friedman, Phila., 1404 South 5th Street.
Hammond Gillman, Phila., 1118 W. Girard Ave.
Charles J. Hagen, Phila., Market St. National Bank Building.
James L. Hawley, Phila., 1203 Pennsylvania Building.
J. V. McCloskey, Phila., Packard Building.
Thomas McDonough, Phila., 2301 Phila. Saving Fund Society Bldg., 12 South 12th Street.
Mrs. Frances Conner McGrath, Phila., 330 City Hall.
Mrs. Margaret M. Olmi, Phila., 1308 South 16th St.
Michael E. Rudman, Phila., 100 S. Broad Street.
Mrs. Edith S. Schofield, Phila., 5203 Germantown Ave.
Kalman Silver, Phila., 701 City Hall Annex.
Rowland C. Smith, Phila., 1215 North 5th Street.
Joseph E. Smolczynski, Phila., 3136 Richmond Street.

SCHUYLKILL COUNTY

Mrs. Dorothy Canfield, Ashland.

SOMERSET COUNTY

John G. Lesko, Somerset.

WARREN COUNTY

Paul D. Ballard, Warren.

WESTMORELAND COUNTY

J. E. Reinfried, Southwest Greensburg.

ARTHUR H. JAMES.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. SCARLETT

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. SCARLETT

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 48

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Kunkel, | Ruth, |
| Cavalcante, | Fulton, | Lanius, | Scarlett, |
| Chapman, | Gelder | Letzler, | Shapiro, |
| Coleman, | Geltz, | Mallery, | Sipe |
| Crowe, | Gilson, | McCreesh, | Snowden, |
| Dando, | Haluska, | McGinnis, | Stevenson, |
| Deitrick, | Heyburn, | Miller, | Stiefel, |
| Dent, | Homsher, | Mundy, | Tallman, |
| DiSilvestro, | Jacobs, | Owlett, | Thomas, |
| Edmonds, | James, | Pierson, | Walker, |
| Eroe, | Jaspan, | Reed, | Wolfenden, |
| Farrell, | Kephart, | Rice, | Woodward, |

NAYS 0

Two thirds of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. MALLERY. Mr. President, I second the motion.

The motion was agreed to.

## MOTION TO READ BILLS THE FIRST TIME

Mr. OWLETT. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 4, (House Bill No. 1), entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-nine for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred and thirty-nine.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 5, (House Bill No. 2), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 6, (House Bill No. 3), entitled:

An Act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 7, (House Bill No. 4), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 8, (House Bill No. 5), entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 9, (House Bill No. 6), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 10, (House Bill No. 7), entitled:

An Act to amend the act, approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-three) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by the Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 11, (House Bill No. 8), entitled:

An Act transferring money from the Veterans' Compensation Fund to the Veterans Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 12, (House Bill No. 9), entitled:

An Act to amend the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects structures, buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 13, (House Bill No. 10), entitled:

An Act to amend certain appropriation items contained is Section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 14, (House Bill No. 11), entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled May sixth one thousand nine hundred forty in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth one thousand nine hundred forty.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 15, (House Bill No. 12), entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 16, (House Bill No. 13), entitled:

An Act to amend clause (u) of section four of the act approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain

employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties" by redefining for certain purposes of the act the term "wages".

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 17, (House Bill No. 14), entitled:

An Act to amend paragraph (a), of and to add a new paragraph (1) to section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commission, shall be determined," as amended by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building, now occupied by the Pennsylvania Liquor Control Board and providing that such civil service employes of the board as are necessary for the cleaning, care, preservation and protection of such building and furnishings, records and other matters therein and the operation of its mechanical plants shall perform their duties under the supervision of the Department of Property and Supplies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 18, (House Bill No. 15), entitled:

An Act to amend section six hundred twenty-eight of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An Act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 19, (House Bill No. 16), entitled:

An Act to further amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled "An act relating to public assistance; providing for and regulating assistance; to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 20, (House Bill No. 22), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County, to a point at the City of Philadelphia; and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation, and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

## RESOLUTION CALLED UP FROM TABLE

Mr. SHAPIRO. Mr. President, I call up for action at this time a resolution which I presented before the recess, with respect to bills transferring funds from and curtailing appropriations to various departments.

The resolution is as follows:

In the Senate, May 13, 1940.

Resolved, That the Secretary of each of the following departments: Agriculture, Forests and Waters, Health, Labor and Industry, Property and Supplies, Public Instruction, Revenue, Welfare, the State Treasurer, the Auditor General, the Director of the State Authority, and a representative of the Veterans Bureau, be and are hereby requested to appear before the particular Senate

Committee which will have in charge appropriation bills or transfer bills now pending in the Legislature affecting the activities or the funds of their respective departments, and

Further Resolved, That said persons shall furnish the said committee or committees, with full information of the present financial status of their respective departments, as well as information concerning the effect of the proposed reduction in their departmental appropriation or the transfer of funds upon their department activities or governmental functions for the biennium ending May 31, 1940, and that stenographic notes be taken of the said hearings and transcribed for the information of the General Assembly, and

Further Resolved, That the chairman of the said respective committees shall give notice of the time and place of said hearings to the said persons required by this resolution to appear before them, as well as to the members of the Senate, and

Resolved, That the hearings of all committees to which the various departments of the government will furnish information in connection with the said pending legislation for transfer of funds or reductions of budget allowances shall be open to members of the Senate and the public generally, and that public notice be given of the time and place of such hearings.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution.

The PRESIDENT. Is there objection,

Mr. OWLETT. Mr. President, I object to immediate consideration of the resolution.

The PRESIDENT. The Chair hears objection.

## MOTION REFERRING RESOLUTION TO FINANCE COMMITTEE

Mr. OWLETT. Mr. President, I move that the resolution be referred to the Committee on Finance.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

Mr. SHAPIRO. Mr. President, I was about to make some additional remarks, and I should like to be heard.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will proceed.

Mr. SHAPIRO. Mr. President, I understand the Governor said there were two reasons why he thought this session would be brief. I agree that there are two reasons, but they are not the same two reasons. I think two reasons the session will be brief can be placed in the names of our young senators, Mr. Kephart and Mr. Fulton; Mr. Kephart from Philadelphia and Mr. Fulton from Allegheny. They will make twenty-seven votes, and anybody that forgets that wastes a lot of time; so I am not going to move to waive or suspend the rules—I know what fate that would have—but I am hoping that the dulcet tones of the gentlemen from Reading concerning Mother's Day may have softened the hearts of the gentlemen over on the other side and they may listen to a plea for the benefit of the Commonwealth of Pennsylvania.

Frankly, Mr. President, when I was thinking of this thing over the weekend, in the midst of what was going on abroad, I felt that possibly we are engaged in very small business; but I do think if you give the matter some consideration those of us who are interested in democracy will agree that it is of equal importance, probably more so today than ever before, that we preserve our democracy; and it is my opinion that unless this transfer of funds and this reduction in our appropriations is given real consideration those of us participating in the refusal to give it that consideration are contributing toward a decline of democracy.

I am convinced—and if I am wrong then I want to be shown, and I will be the first to change my mind—I am convinced that the program which is being proposed here, and which undoubtedly, judging from the two reasons to which I have referred will be passed here, will saddle a burden upon industry. Business, which the Governor was so anxious to protect, and which he is so anxious to invite here, business which will be invited here if the Governor is successful, will suffer the imposition of the duty and obligation to pay two hundred forty million dollars of taxes in the year 1941.

The Governor says he has no measuring rod by which he can estimate the amount of money which will be needed for relief—how long the seventy-one million dollars will last.

Well, Mr. President, there were Governors before him, and there were relief problems before he came, and there was relief money being spent before he became Governor, and if he would look to those figures I think he will find plenty of measuring rode. The relief load in Pennsylvania has been constant in the last four years, between ten and twelve million dollars a month, and anyone with the slightest schooling knows that twelve times ten is one hundred and twenty, and twelve times twelve is one hundred and forty-four.

The Governor will either be met by a relief bill of one hundred twenty million dollars for the year beginning June 1, 1940, and ending May 31, 1941;—it will either be one hundred twenty million dollars or one hundred forty-four millions of dollars, and if the situation remains, as obviously it seems to be true it will remain, along the same lines, it will still be some one hundred twenty millions of dollars, or one hundred forty-four millions of dollars for the year 1941 to 1942; and so in the year 1941, when this legislature meets, it will be necessary for it to raise revenue totalling two hundred forty millions of dollars at least, and if it is not two hundred forty millions of dollars it will be two hundred and twenty millions of dollars, and if it is not two hundred twenty millions of dollars it will be two hundred sixteen millions of dollars—for twenty-four months at nine million dollars a month.

Now, Mr. President, is it helping industry to impose that burden, to be paid within one year? Will it help the situation any or will it rather contribute to a decline of a democratic state if we propose to take the feeble-minded, the insane, the sick, the crippled, and reduce the care and comfort which we have promised to give them when we came here at the beginning of this biennium? Will it help the relief load to reduce the amount of money that will be spent for relief?

Certainly, Mr. President, to relieve relief, in the construction and maintenance of roads will it help any to reduce the amount of money that the counties are looking forward to receiving on the first of June in accordance with the budgets they made up, based on the promise of the Commonwealth of Pennsylvania to return to those counties the amount of money which is due them as a trust fund out of the liquid fuel tax?

Will it help the situation any to prevent the firemen from receiving their money, to which they have looked

forward, out of the insurance fund, which is rightfully theirs, and belongs to no one else?

If those things are to be ignored, Mr. President, because there is a majority vote on one side and a minority on the other, and if that is the way you propose to do your business, to conduct your legislative days and to perform your legislative duties, then we ought to know it.

I assure my colleagues on the other side I am not going to get worked up about it; my blood pressure will not rise but my voice will, and I shall make a record of my position in the matter notwithstanding.

What I have asked to be done here, since the gentlemen are anxious to get out of this assembly by Friday or Saturday or sometime Sunday morning—when we ought to be elsewhere—I served notice last week that I was going to ask that these gentlemen appear and give us information, and I am asking that again tonight, because these bills have been reported out and will be on second reading tomorrow, and obviously we ought to know tomorrow what the true facts are, as it may be that some of these gentlemen may find their own communities affected by what they are doing and they may change their minds; because if you cannot move some people on general principles of government and good government you might move them with the selfish interests which they may have in their own various districts. They may be glad to account for some of the things they might be doing, not knowing they are doing them.

It may be interesting to know that in the last year the figures of the Department of Highways show that whereas in 1938-1939 there was thirty-nine million dollars spent for maintenance of roads, this year there was only twenty-seven millions of dollars spent.

It might be interesting to the gentlemen to know that the construction work the Highway Department usually does is about to begin and to be contracted for now, and that of the forty-two million dollars that the Treasurer says there is in the Highway Department now, ten millions of dollars of that is due to contractors for construction work, and of the amount of eleven million dollars that is to be transferred from the liquid fuel tax, three million seven hundred thousand dollars of that is due to the cities as their share of the tax, the one-half cent tax which has been placed for years in a special fund.

The gentlemen from the various counties might be interested to know about those things, and that is the reason I would like the people who know about these things to appear before us and tell us about them. That eleven million dollars will only be made up, not by taking, as the bill provides, the moneys that come into the liquid fuel tax from now to May 31, 1941, it will also take some two million seven hundred thousand dollars now in the treasury plus six hundred thousand dollars to be collected this month, or three million three hundred thousand dollars, which should be part of that fund which goes out on the first of June to the various counties. That is what that eleven million dollars means, if I have read the records in the various departments properly.

Mr. President, if those reasons do not give those gentlemen pause then possibly my motion is just a waste of time; but they give me pause, because I happen to know that the City of Philadelphia has budgeted and counted upon the receipts from the liquid fuel tax for the purpose of doing necessary road work.

I happen to know that many other counties have counted on it; and; I know that a continuation, a carrying out of this plan without consultation, without notice to the communities of the effect upon them, is not right and is unfair, and certainly is not decent legislation, and my resolution, which I am quite sure, from the attitude of the gentlemen on the other side, will pass into a peaceful dream in one of the other committees that is not being worked to death now, and probably will turn up in some Senator's desk next year when I will not be here to protest about it; since I know that to be a fact I make these statements for the purpose of inducing these gentlemen to pause and consider just what they are doing.

There are some sixteen bills which have been offered, introduced, and reported out by committees, and I am quite sure that fifty per cent of the men here do not know the effect and cannot know—it is no reflection upon them—they cannot know the effect of those bills, the passage of these bills into law, unless we get before us the people who can tell us; and we are entitled to know what the effect of these bills will be upon the various departments.

We are taking a leaf out of Philadelphia's book—which is not a good leaf to take. We are increasing our income by office managers.

Mr. President, we now have an anticipated increase of thirteen million dollars in the revenue of the state from corporate loans and corporate taxes—at least, somebody said that is what is going to be the increase. We also have an increase of six million dollars in the motor license fund. And those two sums are to be transferred even though they have not arrived yet and may never be realized.

That is what we did in Philadelphia for years, and that is why we faced the situation in Philadelphia where we had to have a wage tax to make up the deficit we carried along.

Mr. President, if I am wrong about these figures I ought to be told; if I am right the Senate ought to know about it; and they ought not to pass this type of legislation without a fair and full hearing on the facts.

Mr. President, I suggest to my friends now they may consign the resolution to whatever committee they see fit.

Mr. DiSILVESTRO. Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. DiSILVESTRO. Mr. President, I don't think it would be a pleasant parting if I would not take a last crack at my colleague from Tioga, Mr. Owlett.

Mr. OWLETT. That is right, Mr. President; I second the motion.

Mr. DiSILVESTRO. Mr. President, I would like to know from my very dear colleague from Tioga, Mr. Owlett, whether he has any information regarding the fact that the heads of the departments would not like to be interrogated by a committee of the Senate?

Mr. OWLETT. Mr. President, in answer to the question of the Senator from Philadelphia, Mr. DiSilvestro, I wish to state I understand all the department heads would be very glad to come before the committee that has charge of these bills.

I might state, for the further enlightenment of the Senator, it is planned to have a meeting of this committee tomorrow at two o'clock, after these bills have passed

second reading and they are referred back, at which time it is expected to extend an invitation to all the other Senators to be present if they wish; and I am sure the committee, if any Senator wants to interrogate a member of the Governor's cabinet or the head of a department on a matter that appears to the committee to be relevant, I am sure the committee will be glad to call that person before them, and I am sure that persons will be glad to answer any questions.

My objection, Mr. President, to this resolution is that it is taking from the committee the usual functions of a committee.

I take it, Mr. President, there is nobody on the floor of this Senate who would presume that this Senate is proper in passing a resolution directing the committee to have a stenographer to take notes and directing that committee whom they shall call before it in the consideration of any bill.

For that reason, Mr. President, I am objecting to the consideration of this resolution.

Mr. DiSILVESTRO. Mr. President, I should still like to know whether the public is invited, because they are vitally interested in these bills. Is this a public meeting? Does my colleague from Tioga, Mr. Owlett, know whether it will be a public meeting or not?

Mr. OWLETT. Mr. President, in answer to the query of the gentleman from Philadelphia, Mr. DiSilvestro, of course, as my colleague must know, these matters are all in the full control of the membership of the committee. I understand it is proposed by the members of the committee if anybody asks to appear before them in reference to these bills they will be invited to do so.

I might add, however, Mr. President, the only one thus far who has asked is the Mayor of Pittsburgh, who sent me a telegram today, and I immediately replied that we would be glad to have him appear before us tomorrow at two o'clock.

I also understand the comptroller or the solicitor of Pittsburgh was notified this noon that they could come tomorrow at two o'clock if they wanted a hearing.

Mr. President, certain other people who have asked for a hearing have notified us they do not care for one now.

I am sure, Mr. President, nothing will be omitted or nothing pushed aside if anybody wants to be heard on this legislation.

Mr. DiSILVESTRO. Mr. President, does the Senator from Tioga, Mr. Owlett, feel himself, personally, the public should be present?

Mr. OWLETT. Mr. President, in answer to the interrogation of the Senator from Philadelphia, Mr. DiSilvestro, I feel anyone who is interested and has an interest in these bills and can offer some suggestions that would be of benefit to the Commonwealth, or this Senate in particular in considering this legislation, should be given an opportunity to present their views.

Mr. DiSILVESTRO. Mr. President, I hope this will not be a blitzkrieg and that the gentleman on the right-hand side of this chamber will give an opportunity to the public servants, to those who are put in place by the public at large, that they come before us and answer the questions we would like to have answered.

Mr. President, I do not want anybody in this chamber any of the listeners who are around the rail, to think that I would be against anything that would help the needy, but certainly I would like to be enlightened, after three and one-half years in this respectable body, and I would like to have answered a lot of questions before this committee. I have had a very pleasant time in this chamber with my colleague from Tioga, Mr. Owlett, and I really will be sorry to find him amongst the absent next session because I intend to fight like the dickens to be here and see that justice is done to all.

The PRESIDENT. That is putting it mildly, isn't it?

Mr. SIPE. Mr. President, I should like to interrogate the Senator from Philadelphia, Senator Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Certainly, Mr. President, with pleasure.

Mr. SIPE. Mr. President, I should like to ask the Senator from Philadelphia, Mr. Shapiro, whether he sees any similarity between the blitzkreig in Europe and Governor James' blitzkreig.

Mr. SHAPIRO. Mr. President, I would suggest and I would say the difference is that the blitzkreig in Europe come down in airplanes and as they do there is a chance to take a shot at them; we do not get even that here.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, requested immediate consideration of his resolution. The Chair states that immediate consideration of a resolution requires unanimous consent, and that unanimous consent was not obtained, because of objection, and the resolution is referred to the Committee on Finance.

## RESOLUTION CALLED UP FROM TABLE

Mr. HALUSKA. Mr. President, I move that the Senate do now resume consideration of resolution submitted by myself, which was laid on the table.

The resolution is as follows:

In the Senate, May 13, 1940.

Whereas, The rule or regulation of the Department of Public Assistance requiring relief recipients to execute a bond as a condition precedent to receiving relief has been a constant source of public indignation for years as the requirement has had the effect of penalizing only those citizens of the Commonwealth who heretofore through their industry and thrift managed to become home owners; and

Whereas, The General Assembly regard home ownership as one of the highest forms of good citizenship and wishes to encourage it in every conceivable manner; and

Whereas, The interests of the Commonwealth are adequately and fully protected by existing law; therefore be it

Resolved (if the House of Representatives concur), That the Secretary of the Department of Public Assistance is hereby directed to discontinue the rule of regulation requiring relief recipients to execute a bond as a condition precedent to qualifying for relief and that henceforth no such requirement shall be made.

The PRESIDENT. Is there objection?

## MOTION THAT RESOLUTION BE LAID ON TABLE

Mr. OWLETT. Mr. President, I move that the resolution called up from the table by the Senator from Cambria, Mr. Haluska, be laid over until tomorrow and that the Secretary of the Senate in the meantime be directed to have made copies of this resolution for the benefit of the Senate, so that we may know what the resolution says before we vote on it. It has only been read and there has been no opportunity to study it.

I move, Mr. President, that the resolution lay over until tomorrow, and I ask that the Secretary be directed to have made mimeograph copies for the benefit of the Senate.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland, Mr. Dent, will state his question of personal privilege.

Mr. DENT. Mr. President, I just want to enlighten the Senator from Armstrong, Mr. Sipe, and say from what I can see they are using the same type of weapon in this type of blitzkreig as they are in Europe—a lot of gas.

## MOTION TO ADJOURN SINE DIE

Mr. CAVALCANTE. Mr. President, I think we have arrived at the point tonight where we are about to adjourn until tomorrow and I would like to move at this time that we adjourn properly under all the circumstance that we have met under.

Mr. President, I move at this time that the House be advised that this Senate is ready to adjourn Sine Die for the following reasons:

First. The proclamation of the Governor takes away the discretionary powers of this Senate to determine in General Assembly met the legality and necessity of the transfer of special fund monies to the general fund;

Second. The proclamation is dictatorial in substance and thereby violates the representative form of government guaranteed to the people of this Commonwealth by the Constitution of the United States of America.

Third. The proclamation is an unlawful design to take from this General Assembly the constitutional power to determine the source of revenue for appropriational purposes.

The PRESIDENT. Is that a suggestion being made by the Senator from Fayette, Mr. Cavalcante?

Mr. CAVALCANTE. Mr. President, I move that the house be advised. I think the stenographer took my motion down. He may read it for the information of the President and the other members of the Senate.

(The reporter read the above motion.)

Mr. JASPAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I suggest in view of the fact that we are called here to take care of the needy of this Commonwealth, we should not adjourn until we have taken care of them, provided some way of feeding them for the next year, and therefore I suggest the Senate vote down the motion.

Mr. SHAPIRO. Mr. President, I should like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I understand this Senate is going to adjourn until tomorrow at ten thirty?

Mr. OWLETT. That is correct, Mr. President.

Mr. SHAPIRO. And at that time, Mr. President, bills on second reading will be taken up?

Mr. OWLETT. That is correct, Mr. President.

Mr. SHAPIRO. And that means, Mr. President, that every one of the bills read for the first time tonight will be passed on second reading tomorrow, at the time of this hearing to which you refer?

Mr. OWLETT. Mr. President, if they have passed second reading they have passed second reading.

Mr. SHAPIRO. Mr. President, at two o'clock when we have this committee meeting the bills will be in such shape that it will require unanimous consent to have them amended, or a majority vote in committee to have amendments; is that correct?

Mr. OWLETT. Mr. President, I think the Senator from Philadelphia, Mr. Shapiro, understands what was said in the meeting of the finance committee where it was explained the bills would be referred back to the finance committee after second reading and I am sure the Senator from Philadelphia, Mr. Shapiro, knows as well as I do—he has been here the same length of time—bills can be amended in committee.

Mr. SHAPIRO. Mr. President, I repeat my question, is it not true when bills go back to committee after second reading it will require a majority vote of the committee to amend them.

Mr. OWLETT. Mr. President, it will, but in the meantime if the Senator wishes to make or offer amendments on the floor when they are up for second reading, he, as well as I, knows that can be done.

Mr. SHAPIRO. Mr. President, does not the Senator from Tioga, Mr. Owlett, know that I will not be able honestly to offer amendments unless I get the facts to which I have referred?

Mr. OWLETT. Mr. President, the Senator from Philadelphia, Mr. Shapiro, can be assured any amendments he wishes to make can be made in committee after the hearing and they will be considered.

Mr. SHAPIRO, Mr. President, I think the motion made by the gentleman from Fayette, Mr. Cavalcante, is a debatable motion and in view of what has just been said I would like to suggest it might be well to defeat the motion which has been made, because it becomes obvious to me and should be obvious to the public that the purposes of this plan are very well laid and will be carried out according to the schedule.

We are going to have a hearing in committee tomorrow at two o'clock after these bills have been read the second time, when amendments can only be offered if we get unanimous consent of the members of the Senate, or if a majority of the Senate will vote in favor of amendments that may be offered in committee.

Mr. President, all of us know that there are, I think, exactly four members on the Democratic side of this House on the finance committee—and you know how much of a minority that is. Therefore it becomes obvious, I think, I must take the position the statements I have made here are correct—without even opportunity to meet the people who would be in a position to give us the information necessary to prepare amendments—and until naturally the gentlemen answer the questions put to them—we then must depend upon the tender mercies of a majority with twenty-seven votes in the Senate, and an overwhelming majority in the committee in order to change the plan, with a restricted call such as we have before us here. These gentlemen have made up their minds evidently, and obviously intend to put the bills through in their present form willy-nilly, any other ideas to the contrary notwithstanding; whether the treasury will be broke or whether there will be money or whether the

motor fund will be robbed and the money can be paid back or not is immaterial, on the plea we must give the needy the money.

Mr. President, I am not afraid of what my constituents will say about my voting against bills in that shape; I am not afraid of what my constituents will say about my voting against bills which curtail further the help to the needy in the face of statements by the Governor himself that he knows that the amounts allotted originally were not sufficient but he was trying to curtail for the purpose of saving expenditures.

The Butler Sanatorium, Mr. President, which only requires rental to take care of several hundred tubercular patients is still closed and not ready, notwithstanding the fact it does not cost the Commonwealth of Pennsylvania any more than rent to keep it open. Other sanatoria, other hospitals, other health healing institutions are all receiving less.

Why? Because, Mr. President, we must make enough money available out of other funds, without taxation, at a time when the Governor of the Commonwealth of Pennsylvania is being considered as a candidate for president of the United States and at a time when there is a November election coming on, and all these things must be done, in face of the fact that the Governor very kindly told us that he does not think this is a political session.

I want to say in conclusion that most of the members of the Senate know what I have said is correct, as to what will happen when these bills pass second reading, and this is purely a political session for the purpose of rushing through the necessary relief for five months, so that by all means we should just get past the June convention and the November election.

As you reap so shall you sow.

Mr. OWLETT, Question, Mr. President.

Mr. CAVALCANTE. Mr. President, I desire to speak on the motion.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will proceed.

Mr. CAVALCANTE. Mr. President, whether we are Republicans or Democrats it is our undoubted duty to dispatch the work of this session with promptness. To prolong the session by captious debate or political demagoguery makes us remiss to duty and unworthy of the trust reposed in us.

Mr. President, in this particular we are not to forget that the sacrifice of sane and sober judgment to the cry for promptness may lead us to a far graver remissal of duty. The duty to dispatch one's work promptly should always be complementary to do one's duty right.

Mr. President, the people we represent do not presume us to act like robots, nor should the Governor presume less.

Mr. President, government by dictatorship is contralization of all political and economic power in the hands of one person or a limited few; a democracy differs from this in that all powers are sorted and grouped, like with like, and each group or class is then placed in the hands of representatives who are periodically elected and made accountable to the will of the people.

Mr. President, in a dictatorship the laws that govern the people are the product of the absolute will of one person or a limited few; in a democracy the same laws are the result of debate, deliberation and discretion, applied by elected representatives in parliamentary assemblage. By the grace of God and the fortitude and wisdom of the founding fathers this state and nation are permitted to imbibe the blessings born of democracy instead of the curses that are spawned by a dictatorship.

Mr. President, in this present world of wars and turmoils, God grant that men here on the shores of America and in this Senate of Pennsylvania also may steadfastly keep their passions and their ambitions tuned to the blessed voice of democracy; may the cursed examples of dictatorship, now prevailing over people of other lands, serve as a terror to guide our thoughts and actions in the honest ways of democracy.

Mr. President, I fear not the fifth column that comes from Russia, or Germany or Italy here to America with their flags unfurled and proclaiming to us where they stand.

The fifth column that I am afraid of, Mr. President, is the fifth column from within, those who mask under the power of our government and who use the powers of our own government to destroy democracy, as we understand democracy.

There is no question, Mr. President, when you read the proclamation of the Governor that he has so framed that proclamation that he tells this general assembly this; you shall do this and nothing else, you shall have no discretion whatsoever in this matter, but you shall do as I say to you and nothing else.

That that is an unlawful design, Mr. President, to deprive this legislative body of the deliberation, debate and discretion that we are entitled to under a democratic form of government is very apparent from the words of the Governor himself.

Mr. President, this afternoon I obtained a newspaper printed here in Harrisburg and in that paper I found a quotation by the Governor. That article is very short and the article reads; "James Sees Session Ending Thursday Night."

Now, Mr. President, it is not the power of the Governor of this Commonwealth to decide when this General Assembly shall end; it is a prerogative that belongs to the men that are elected by the public to represent them in this General Assembly, and this article goes further and says:

"Governor James predicted today the Special Session of the Legislature will adjourn either Thursday night or Friday morning.

" 'We have only one thing in mind in the present session,' the Governor told his press conference, 'that is to put off and prolong the day when we may need new taxes. That is a definite promise and I'm going to adhere to it. We anticipate that there will be no need for new taxes in Pennsylvania.'

" 'We're anticipating there will be an industrial revival in Pennsylvania and that the Federal Government is going to cooperate with us. If that happens, the $71,000,000 will last us this biennium.' "

Yes, Mr. President, he made a definite promise and he is going to adhere to it by adopting the very tactics that are adopted by dictators in foreign lands today, by depriving this legislative body that reflects a democracy of the discretion that they are entitled to exercise.

Mr. President, the transfer of monies from special funds earmarked for certain purposes requires the debate, deliberation and discretion of the legislative body, not the absolute will and dictation of the Governor of this Com-

monwealth; and this proclamation is very dictatorial in its substance because it tells the General Assembly you cannot debate, you cannot use any discretion in whether these funds shall be transferred or not; if you are going to feed the hungry of this Commonwealth you shall make these transfers and, Mr. President, that is the language of a dictatorship, not a democracy.

Mr. President, it is because of that that I have made this motion, for a fair minded man who reads the proclamation can not help but come to the conclusion that it is the product of a design to keep and to deny from this General Assembly the discretion and the power to determine the legality of these transfers from these general funds and to limit us to the doing of only that thing which the dictator himself says we shall do.

Mr. President, as an American it is this kind of a fifth column that I fear will overthrow our democracy, not the man that comes from Russia or Germany or Italy here under his flag and tells us who he is. We can guard against those gentlemen, that kind of a fifth column, but by what power can we guard against a fifth column such as the Governor is commanding here on the floor of this Senate and in the House of Representatives?

God save our democracy, but I see very little help from mortal hands, and if conduct of this kind carries on and on and on one session to another indeed we will have to invoke the power of Providence, because human hands, unless they resort to violence, can not stop the intriguing mind of a Governor James.

Mr. FULTON. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. I will, Mr. President, gladly.

Mr. FULTON. Mr. President, did I understand the Senator from Philadelphia, Mr. Shapiro, to say that he is against transfers?

Mr. SHAPIRO. No, Mr. President, I am not against all transfers.

Mr. FULTON. Well then, Mr. President, will the Senator from Philadelphia, Mr. Shapiro, state what transfers he is not against?

Mr. SHAPIRO. I am not against a temporary transfer when it is made in connection with a bill providing retransfer by the body that makes the transfer.

If the Senator from Allegheny, Mr. Fulton, will look at the record he will find I have voted for transfers—and that may be in the Senator's mind—but there was provision made in the session by the same Legislature to repay those funds to the Special Funds from which they were transferred.

Mr. FULTON. Mr. President, did the Senator from Philadelphia, Mr. Shapiro, see the House bills as to when and how the transfers were to be repaid.

Mr. SHAPIRO. Yes, Mr. President, I saw them and I also know the House went further and agreed to vote for the bills if they were provided with an attachment amendment providing the funds be repaid by this Legislature, and if those bills are so amended I will vote for every one of them.

Mr. FULTON. Mr. President, will the Senator from Philadelphia, Mr. Shapiro, state whether his objection is as to the time of repayment?

Mr. SHAPIRO. No, Mr. President, my objection goes no more than that; it is, first, that these bills have been hastily drawn; that these bills do not tell the true story; that the estimates are not correct; that there will not be an increase of three million dollars in the revenues of the Commonwealth but there might be a decrease if certain cases now pending are sustained by the Supreme Court, there might be a decrease in the revenue of this Commonwealth within the next six months of three millions of dollars.

Mr. FULTON. Mr. President, going back to my question, does the Senator from Philadelphia, Mr. Shapiro, object to the bills having a June date of repayment, rather than December?

Mr. SHAPIRO. I object, Mr. President, for the reason that there can be no legislation passed by this session to repay these funds by this Legislature because the Governor has restricted the call in such a way that no legislation other than that included in the call can be passed.

Mr. FULTON. Then, Mr. President, isn't the Senator from Philadelphia, Mr. Shapiro, taking a position in favor of new taxes?

Mr. SHAPIRO. Mr. President, I am in favor of anything that will feed the hungry.

Mr. FULTON. And, Mr. President, what taxes does the Senator from Philadelphia, Mr. Shapiro, propose?

Mr. SHAPIRO. Mr. President, I do not think it is necessary to add any new taxes.

Mr. FULTON. Then, Mr. President, how will the Senator from Philadelphia, Mr. Shapiro, get the money without transfers?

Mr. SHAPIRO. Mr. President, if the Senator from Allegheny, Mr. Fulton, will read the Legislative Journal of the last session he will find that I proposed a method at that time but it was ignored, like all other matters proposed by the Democrats; but at the time I gave a full explanation, showing where the money could be raised and I showed how the personal property tax and the corporate net income tax and the corporate capital stock tax could be eliminated or reduced.

Mr. FULTON. Mr. President, was that by retransfer of funds?

Mr. SHAPIRO. Mr. President, that was not by the transfer of funds.

Mr. FULTON. Mr. President, was that an increase of taxes?

Mr. SHAPIRO. Mr. President, that did not propose an increase of taxes; it would have meant a decrease of taxes. If the Senator really wants to know, it was by a proposed amendment to the Constitution permitting what I thought the fairest tax, based on income, namely, a graduated income tax. The Governor of this Commonwealth has had over a year's time to consider that proposition and he has had a year's time to think about it and he has had a year's time in which to do it if he wanted to do it.

Mr. FULTON. Then in conclusion, Mr. President, if the graduated income tax is not a new tax we do not have to increase taxes in Pennsylvania?

Mr. SHAPIRO. No, Mr. President, because if the tax were passed there would be no more taxes—in fact, less burdensome taxes would be paid under the plan I proposed than now exist.

Mr. KUNKEL. Mr. President, the reason for my rising seems to have disappeared. I was about to suggest that I could see no reason or purpose for delaying the business of this Senate by a personal question and answer session

between two Senators that might easily have been conducted in the cloak-room.

## MOTION TO LAY RESOLUTION ON TABLE

Mr. REED. Mr. President, getting back to the resolution offered by the Senator from Fayette, Mr. Cavalcante, it raises such an unusual question that I am going to ask the Senator if he would agree to have it laid on the table for further study.

Mr. SHAPIRO. I second the motion, Mr. President.

The PRESIDENT. Does the Senator from Washington, Mr. Reed, move that the resolution introduced by the Senator from Fayette, Mr. Cavalcante, be laid on the table?

Mr. REED. Mr. President, I will make that motion if the Senator from Fayette agrees. I suggest that to the Senator from Fayette, Mr. Cavalcante, for whatever action he chooses to take.

Mr. CAVALCANTE. Mr. President, I fully realize that my motion is very deep.

The PRESIDENT. The Chair will admit it is over the Chair's head.

Mr. CAVALCANTE. Mr. President, you can not take an every day mind like your head and my head to fathom its real meaning, and I will gladly yield to the request of the gentleman from Washington, Mr. Reed, and permit the motion to remain on the table until tomorrow morning, Tuesday, May 14, 1940.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I object to the motion to lay this motion on the table until tomorrow morning. This is a motion to adjourn and a motion to adjourn is always in order and I think we should vote on it. I think we should vote it down. It has been moved that we adjourn Sine Die which means the close of this session, which would mean that we end this session with nothing done, and I certainly object to postponement of this motion.

## POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, as I remember it the motion is not a motion to adjourn but it is a motion to notify the House we would adjourn. I do not think that is a motion to adjourn.

## ADJOURNMENT

Mr. SHAPIRO. Mr. President, I move that the Senate do now adjourn until Tuesday, May 14, 1940 at 10:30 o'clock a. m., E. S. T.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 10:25 o'clock p. m., E. S. T. until Tuesday, May 14, 1940, at 10:30 o'clock a. m., E. S. T.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

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## SENATE

TUESDAY, May 14, 1940.

The Senate met at 10:30 o'clock, a. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

### PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

Our Heavenly Father, ever and anon must we come to Thee in prayer for guidance. So many and difficult are the problems which confront us that we must falter and ultimately fall before their exactions if we trust only our circumscribed ability.

We are greatly concerned about the problems of state—of this state and of our nation. We pray for help this day that our daily contribution to the welfare of our Commonwealth—direction of mind, cleansing of motive, strengthening of ideals and an unsatiable craving for truth—may be acceptable to Thee.

And as Americans, give us the burning desire not only to seek the treachery of the operations of the "fifth column" in our government and national consciousness but completely to destroy its pernicious influence. Forever let there be no government in America but a representative one.

May Thy presence to a much greater degree permeate our government—municipal, state and national—and let the resurgance of the spirit of our forefathers, constantly enhanced by a strong faith in Thee, again revivify our whole plan of endeavor. In this only shall we, as a people, ever remain secure. We pray in the Name of Thy Christ. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. EALY, the further reading was dispensed with, and the Journal was approved.

### NOMINATIONS BY THE GOVERNOR

#### NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

### RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO APPROVE U. S. SENATE BILL NO. 1305 AND H. R. 3517, KNOWN AS THE FEDERAL AID TO EDUCATION ACT

Mr. STIEFEL offered the following resolution which was twice read:

In the Senate, May 14, 1940.

Whereas, The public schools in America are a vital salutary and molding force in preserving and carrying on our democratic traditions, and

Whereas, All American children are entitled to equal opportunities, in obtaining an adequate education, and

Whereas, The maintenance of high standards in school programs is becoming increasingly difficult for some of our states, municipalities, and communities because of lack of resources for the support of an adequate educational system, and

Whereas, Several of our states, municipalities and communities are in a precarious financial position resulting in stringent retrenchment and even in the closing of schools, thus causing local problems so serious as to reach the magnitude of a national challenge, and

Whereas, There has been introduced in the United States Senate by Senator Thomas and Senator Harrison, and into the House of Representatives by Congressman Larrabee, a bill to "promote the general welfare through appropriation of funds to assist States and Territories in providing more effective programs of public education," and

Whereas, This Federal Aid Bill (S 1305 and H R 3517) gives grants to states on the basis of the index of educational load and financial ability for Adult Education, Rural Library Services, Cooperative Educational Research and Demonstrations, and for the improvement of Public Elementary and Secondary Schools by improving Teacher Preparation, Construction of School Buildings, and Administration of State Departments of Education, now

Therefore Be It Resolved, That the Senate of the General Assembly of Pennsylvania hereby memorialize the Congress of the United States to approve Senate Bill 1305 and H R 3517, to wit, the Federal Aid to Education Act, and

Be It Also Resolved, That copies of this resolution be forwarded to each of the following:

His Excellency, The President of the United States.

His Excellency, The Vice-President of the United States.

The Speaker of the House of Representatives.

Senator Elbert D. Thomas, Chairman, Senate Committee on Education and Labor.

Congressman William H. Larrabee, Chairman, House Committee on Education.

Senator Joseph F. Guffey, of Pennsylvania.

Senator James P. Davis, of Pennsylvania.

All members of the House delegation from Pennsylvania.

#### MOTION TO SUSPEND RULE 39

Mr. STIEFEL. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. OWLETT. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on Education.

MOTION TO LAY RESOLUTION ON THE TABLE

Mr. STIEFEL. Mr. President, in the light of the objection of the Senator from Tioga, I would suggest this resolution be laid on the table, because there is no committee on education now functioning. I move that, Mr. President.

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga will state his point of order.

Mr. OWLETT. Mr. President, the resolution has already been referred to the Committee on Education and therefore the resolution is out of the hands of this Senate and in the hands of the Committee on Education.

The PRESIDENT. The point of order of the Senator from Tioga is well taken.

MOTION THAT THE SENATE RECESS

Mr. STIEFEL. Mr. President, I now move that this Senate recess at this time in order that the Committee on Education may meet.

Mr. OWLETT. I object, Mr. President.

Mr. STIEFEL. Mr. President, I move that this Senate recess at this time for ten minutes in order that the Committee on Education may meet.

Mr. CAVALCANTE. Mr. President, I second the motion.

The PRESIDENT. What was the motion of the Senator from Philadelphia, Mr. Stiefel.

Mr. STIEFEL. Mr. President, my motion is that the Senate now recess in order that the Committee on Education may meet and consider the resolution I have presented.

Mr. JASPAN. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I ask for a roll call and suggest to the members of the Senate that this recess not be taken at this time, because this Senate has a calendar here to dispose of, and shortly there will be recess in order that another committee may meet, at which time this can be arranged.

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—21

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | Lanius, | Rice, |
| Coleman, | Haluska, | McCreesh, | Ruth, |
| Dando, | Jacobs, | McGinnis, | Shapiro, |
| Dent, | Jaspan, | Mundy, | Sipe, |
| DiSilvestro, | Kunkel, | Reed, | Stiefel, |
| Frey, | | | |

NAYS—27

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Letzler, | Stevenson, |
| Chapman, | Gelder, | Mallery, | Tallman, |
| Crowe, | Geltz, | Miller, | Thomas, |
| Deitrick, | Heyburn, | Owlett, | Walker, |
| Ealy, | Homsher, | Pierson, | Wolfenden, |
| Edmonds, | James, | Scarlett, | Woodward, |
| Farrell, | Kephart, | Snowden, | |

So the question was determined in the negative.

The PRESIDENT. The next order of business for consideration by the Senate is the Calendar.

Mr. HALUSKA. Mr. President, may I refer back to the order of resolutions for a moment.

The PRESIDENT. If there is no objection.

Mr. OWLETT. Mr. President, I object. The order of the day is the Calendar.

Mr. HALUSKA. Mr. President, I did not hear the Chair call the order of resolutions.

The PRESIDENT. The Chair called the order of resolutions.

Does the Senator from Tioga insist on his objection?

Mr. OWLETT. Mr. President, I will withdraw the objection. Will the Chair indulge me just a moment?

RESOLUTION CALLED FROM THE TABLE

Mr. HALUSKA. Mr. President, I now call from the table a resolution submitted by myself last night, pertaining to the Department of Public Assistance, which is lying on the table.

The PRESIDENT. The clerk will read the resolution.

The Clerk read the resolution as follows:

In the Senate, May 13, 1940.

Whereas, The rule or regulation of the Department of Public Assistance requiring relief recipients to execute a bond as a condition precedent to receiving relief has been a constant source of public indignation for years as the requirement has had the effect of penalizing only those citizens of the Commonwealth who heretofore through their industry and thrift managed to become home owners; and

Whereas, The General Assembly regards home ownership as one of the highest forms of good citizenship and wishes to encourage it in every conceivable manner, and

Whereas, The interests of the Commonwealth are adequately and fully protected by existing law; therefore be it

Resolved (if the House of Representatives concur), That the Secretary of the Department of Public Assistance is hereby directed to discontinue the rule or regulation requiring relief recipients to execute a bond as a condition precedent to qualifying for relief and that henceforth no such requirement shall be made.

On the question,

Will the Senate agree to the Resolution?

RESOLUTION LAID ON THE TABLE

Mr. OWLETT. Mr. President, I move that the resolution just called from the table by the Senator from Cambria, Mr. Haluska, be laid on the table until tomorrow, and in explanation of this motion I desire to state several Republican members of this Senate have come to me and expressed a desire that there be a Republican caucus to consider this resolution, and in addition I learned from the Department of Public Assistance certain inquiries have already been made of them. The Republican members of this Senate desire not to vote on this resolution until they have had this information laid before them at this caucus, and I therefore ask the Senate to vote with us in postponing action on this resolution until tomorrow.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Mr. President, last night I presented this resolution to the Senate and the Senator from Tioga made some remark and asked me to postpone it until today in order to give them sufficient time to study the resolution.

Mr. President, I extended that courtesy and now I find myself in the same position, being asked to postpone it until tomorrow, and no doubt tomorrow will find the same condition, postpone it until Monday—after we adjourn.

Mr. President, this is an important resolution, affecting every citizen of the Commonwealth of Pennsylvania.

We are appropriating some seventy millions of dollars to feed the needy in this Commonwealth and in the same breath we are asking the same needy to sign over their property for the monies they receive.

I think we should face the issue today and right now, and that each man should vote as he wishes. Why the resolution should be postponed now I do not know. Mr. President, the opposition knows now what they have in mind. I could not change any votes; I could speak for hours without changing a vote, but, Mr. President, I think we are either for these poor people or we are against them.

The man today, Mr. President, that applies for relief and has nothing signs that bond willy-nilly, but the man who has a little property he has saved and slaved all of his life to accumulate is called upon to sign away that property before he can get a bite of food. In that way what are we doing?

Mr. President, today we are discouraging our citizens; we are discouraging our youth; we are telling the young men today, why should you build, why should you save, why should you be conservative, because if you buy a property you must assign that property. On the other hand, Mr. President, we are telling the drone, you go out and be a spendthrift, what care we what you do; if you want relief we will give it to you and we want nothing back.

Mr. President, you speak of Americanism. If that is not pretty close to being Communism nothing is.

Mr. President, I vote to bring up this resolution at this time and I ask my colleagues on both sides of this Senate to vote down the motion to postpone this resolution.

I ask for a roll call, Mr. President.

Mr. EDMONDS. Mr. President, what is the question? I happened to be out of hearing and did not hear all the remarks of the Senator from Cambria, Mr. Haluska.

The PRESIDENT. For the information of the Senator from Montgomery, yesterday a resolution was presented by the Senator from Cambria, Mr. Haluska, and it was brought up for action a short time ago and the Senator from Tioga moved that the resolution be laid on the table until Wednesday, May 15, 1940. The motion has been seconded by the Senator from Susquehanna, Mr. Gelder.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. HALUSKA, and were as follows, viz:

YEAS—25

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Kephart, | Scarlett, |
| Chapman, | Gelder, | Letzler, | Snowden, |
| Crowe, | Geltz, | Mallery, | Stevenson, |
| Deitrick, | Heyburn, | Miller, | Tallman, |
| Ealy, | Homsher, | Owlett, | Thomas, |
| Edmonds, | James, | Pierson, | Wolfenden, |
| Farrell, | | | |

NAYS—22

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | McCreesh, | Ruth, |
| Coleman, | Haluska, | McGinnis, | Shapiro, |
| Dando, | Jacobs, | Mundy, | Sipe, |
| Dent, | Jaspan, | Reed, | Stiefel, |
| DiSilvestro, | Kunkel, | Rice, | Walker, |
| Frey, | Lanius, | | |

So the question was determined in the affirmative.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 4, (House Bill No. 1), entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

## POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, unless the bill has been placed somewhere else I see no Senate Bill No. 4 in my folder.

The PRESIDENT. It is Senate Bill No. 4, (House Bill No. 1), that is under consideration.

Mr. SHAPIRO. Mr. President, there are no bills which appear on the calendar, apparently, in the files on my desk. I rise to the point of order, Mr. President, the Senate cannot vote on these bills until they are before us.

The PRESIDENT. Are there any other Senators who do not have copies of the bills.

Mr. OWLETT. Mr. President, I suggest the Senator from Philadelphia, Mr. Shapiro, look in his file of House Bills and I think he will find the bill under discussion.

Mr. SHAPIRO. Mr. President, I have no House bills in my Senate file.

Mr. OWLETT. Mr. President, I think my friend the Senator from Philadelphia, has been a member of this Senate long enough to know when we vote on a bill which originates in the House it appears in the House list of bills; it never appears in the Senate list of bills.

Mr. SHAPIRO. Mr. President, I agree with the gentleman from Tioga, Mr. Owlett. I am trying to find a printer's number 4, and if I find it I will agree with the Senator from Tioga.

Mr. OWLETT. Mr. President, for the information of the Senator from Philadelphia, Mr. Shapiro, I beg to advise him that when House Bills originate in the House and pass there and come to the Senate for passage a Senate number does not appear on the printed bill, only the House number and the printer's number, and if the Senator from Philadelphia, Mr. Shapiro, will look at the calendar, printer's number 1 of House bills appears as the first bill in the House list of bills, and that is the bill before the Senate for consideration at this time.

Mr. SHAPIRO. Mr. President, I am glad the gentleman from Tioga, Mr. Owlett, is taking the trouble to advise me.

I disagree with the Senator from Tioga, that House bills when they take a Senate number are printed as House Bills. However I have no objection, but I think it would be much better when the clerk call the bill that it be identified on our calendar. The Chair called Senate Bill No. 4. I do not have it. If it is the understanding House Bill No. 1 is Senate Bill No. 4, then I ask for time to check these bills because I want to see the bills I am voting on.

Mr. OWLETT. Mr. President, if the Senator will ob-

serve his calendar he will note Senate Bill No. 4, House Bill No. 1. If the Senator from Philadelphia will look in his folder of House bills he will find House Bill No. 1, printer's No. 1, which identifies the bill.

Mr. JACOBS. Mr. President, I am sorry to report I do not even have a calendar.

The PRESIDENT. The sergeant of arms will provide the Senator from Cumberland Mr. Jacobs, with a copy of today's calendar.

Has every Senator been supplied with a calendar?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I shall be very glad to be interrogated.

Mr. SHAPIRO. Mr. President, will the gentleman from Tioga, tell us whether, if I make a motion that we cannot vote on these bills because they are marked House bills and not Senate bills, will the gentleman from Tioga, inform me whether he has enough votes to defeat that motion, because I want to hurry this session along.

Mr. OWLETT. Mr. President, I am sure I can only answer for myself. I shall personally vote against such a motion.

Mr. SHAPIRO. Mr. President, I desire to further interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be further interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. SHAPIRO. Mr. President, has there been a new rule adopted in the Republican caucus that as floor leader the Senator can only speak for himself?

Mr. OWLETT. Mr. President, I think my colleagues will bear me out that I never attempt to speak for anybody but myself, except as directed by the caucus. That reminds me of something I might say but I guess I will not say it.

Mr. SHAPIRO. Maybe I can help the gentleman out, Mr. President. I find difficulty in speaking for the whole Democratic caucus and it is apparent the Democrats did have some difficulty in speaking unanimously at the last election, the last two elections, but I did not know that was true about the Republican party. If it is true, I am glad to hear there is some little disintegration over there.

Mr. OWLETT. Mr. President, we will see in the fall.

And the question recurring.

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 5, (House Bill No. 2), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I desire to offer an amendment to this bill, and I also desire to state my reasons for offering the amendment.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, may proceed.

Mr. CAVALCANTE. The Governor, in his message of May 6, 1940 to the joint session, among other things said this, "We are not faced with the serious task of raising new revenues, but only of making the money we already have in sight available for relief purposes. In the main we propose merely to take the money we already have out of one pocket and put it in another."

Further on in his speech he said this; "I made the statement that the administration has the funds needed for the new appropriation for relief."

No later than yesterday the Governor made a public announcement that the effort of the minority side of this assembly to show the true nature of these transfers was merely a smoke-screen and had no substance to it.

These amendments that I am about to offer, Mr. President, merely put into this bill what the Governor says. This amendment reflects the position taken by the Governor, that the funds are available and we need no new laws to impose new taxes. In other words, in my amendment I am ready to give credit to the truthfulness of the Governor's position, and I will ask the members of this Senate, including my majority side, to do the Governor the honor and respect to vote to put in these bills the truth, if it be the truth, as the Governor has stated.

I offer this amendment and ask that the clerk read it.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, presents the following amendment and moves its adoption.

Amend, Section 2, page 2, line 10, by adding after the word forty-one the following:

"from revenue available for expenditure for the biennium ending May thirty-first one thousand nine hundred and forty-one"

Mr. SHAPIRO. I second the motion, Mr. President.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, I ask for a roll call, and ask that the amendment be voted down.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, permit himself to be interrogated.

Mr. OWLETT. Mr. President, I shall be very glad to.

Mr. CAVALCANTE. Mr. President, does the gentleman from Tioga know the meaning of the amendment?

Mr. OWLETT. Mr. President, I am not quite sure I do.

Mr. CAVALCANTE. Then why, Mr. President, does the gentleman from Tioga object to the amendment?

Mr. OWLETT. Mr. President, that is the very reason I object to it. These bills have been very carefully prepared. They are going back to committee for study by the committee, at which time all the members of the Senate have been invited; and if the amendment does not spoil the whole program, and is a meritorious amendment, I imagine the committee will adopt it, but it was not submitted to us before it was offered. We do not know anything about it.

## MOTION THAT AMENDMENT BE REREAD

Mr. CAVALCANTE. Mr. President, in view of the

answer of the gentleman from Tioga, I move that the amendment be read again for his special and particular benefit.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, I am not asking for a rereading of the amendment. I asked for a vote on the amendment.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, I am sure the gentleman from Tioga, having stated that this bill was carefully prepared, is familiar with the fact that it transfers thirty-seven millions of dollars from the motor license fund; is that correct?

Mr. OWLETT. That is correct, Mr. President.

Mr. SHAPIRO. Will the gentleman tell us, Mr. President, where the thirty-seven million is coming from, and whether he knows if the motor license fund has the thirty-seven millions dollars now available?

Mr. OWLETT. Mr. President, I believe the motor license fund, at the moment, has about forty-one million dollars.

Mr. SHAPIRO. Forty-one millions?

Mr. OWLETT. I think, Mr. President if the Senator will refer to the Governor's message he will learn that this transfer contemplates the use of money which will come in after the close of the present calendar year for expenditure during 1941, and will be returned before the money is needed, and in no way will interfere with the use of the highway funds for road maintenance, improvement, construction and repair, as has been fully outlined by the Governor and by the Department of Highways on numerous occasions. It has appeared in the paper during the last week, and the whole thing was threshed out in the House.

Mr. SHAPIRO. Mr. President, I desire to further interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated further?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I wish to ask the Senator from Tioga whether he will tell the members of this Senate why it is necessary to transfer other funds if there is at present forty-two millions of dollars in the motor license fund.

Mr. OWLETT. I shall be very glad to answer that, Mr. President. We have at present a general act which permits the transfer of money from the motor license fund to the general fund to take care of appropriations already made within the budget. That act, however, would not permit the use of these surplus funds without this act for appropriations which were not in the original biennual budget.

I think the Senator from Philadelphia, Mr. Shapiro, who makes a great study, as I understand he says of these figures, knows about that. In other words, under our law we cannot approprite beyond the estimated revenue. We can use what cash we have to take care of appropriations within the estimated revenue.

Now, Mr. President, the highway revenues are not within the general budget estimate, never are included in it, and this act will transfer to the general fund thirty-seven millions of highway funds, so that we create that much more general fund revenue, against which an appropriation can be made.

The Senator from Philadelphia, Mr. Shapiro, is apparently very much confused in the matter, because he fuses the cash situation with the fact that in the financing of this state we have to have estimated revenues against which to make appropriations, and it is not a question of the cash; it is a question of whether we have those estimated revenues against which we make appropriations; and this act will increase the estimated revenues so we can make appropriation against them.

Mr. SHAPIRO. Do I understand the gentleman to say then that this bill will increase estimated revenues?

Mr. OWLETT. Increase the estimated revenue of the general fund budget, Mr. President, against which appropriations are made.

Now, Mr. President, this cash could be used for our regular appropriations any time without any session of the legislature, as the Senator from Philadelphia, Mr. Shapiro, well knows. The general act permits—if the Commonwealth, for instance, has cash in the motor fund and is short of cash in the general fund, it can be transferred to take care of present appropriation liabilities, but you can not increase present liabilities unless you make a transfer by act, and for that reason the Governor called a special session, and we made a good many of those transfers at the request of Governor Earle during his four years, and Senator Shapiro, as I remember, was very much put out with many of us who at that time felt there was no necessity for such a transfer.

Mr. SHAPIRO. Mr. President, I am afraid the gentleman is doing the same thing the Governor did; he is telling us nothing. I am not questioning the validity of the transfer act, or the right of the Governor to transfer under an act, but I asked the question of the gentleman from Tioga, and I would like an answer, whether or not there is thirty-seven million dollars in the motor fund which can be transferred, and if he will show me that, I will be glad to give it consideration.

I ask, if there is the forty-one million dollars now in cash, why we need transfer subsequent income which will run somewhere around eighty million dollars.

What I am trying to get at, so there will be no misunderstanding, is that somebody on the other side should give us the picture of the highway financial situation, tell us how it is the highway chief made his request for a budget allowance in 1939 and said that he would have approximately one hundred and fifty-eight million dollars worth of expenditures to make for construction, for improvement, for administration expenses, as well as for the care of the motor police and the depot service. Now, if he had one hundred and fifty-eight million dollars of that amount of money to be spent, and there was estimated by him at that time there would be approximately enough money coming in to meet that one hundred fifty-eight million dollars, I want to know where this additional thirty-seven million dollars is coming from.

I suspect the source, one source, which is the increase in the estimated revenue from the motor fund of six million dollars. If they can justify that, that is one way of explaining it; but I would like to know where the other thirty-one million dollars is coming from. I think we are

transferring bookkeeping methods or whether we are entitled to know it, as we ought to know whether we are transferring funds. That is the only thing I am inquiring about, and I think it is a proper subject of inquiry.

I can see where the transfer of funds came from, and I raise no objection to it on the score of a mere transfer, but my objection is I think somebody ought to show me, when they oppose this amendment and this first bill will be passed and this seventy-one millions of dollars will be awarded, appropriated for relief, that there will be seventy-one million dollars coming in without interfering with necessary governmental functions. The logical, the fair and the proper way, the statesmanlike way would be for the floor leader of the Senate to give us the information the Governor failed to give us.

Clearly there will be in the funds up to May 31st so much money; there will be spent so much more, and there will be left a surplus of thirty-one million dollars. Then, if he will show us that then we will know; the statement no new taxes will be needed is broad, but if he can wholeheartedly answer what I am asking that is all I want.

There is no sense in beclouding the issue by saying what we in the last administration did or did not do. Assume I made plenty of mistakes and assume that I am inconsistent, that does not answer the question now. I am trying to be as consistent now as I can, as my friend will find by looking at my record. They can say I did so and so at the last session—they can get every remark and every vote I made from the index, they have it all indexed over there and they may now get out the index and see if I have not taken the same position I am now taking—let them show me the money is now available.

I asked for a hearing, and that the highway commissioner should come over and tell us publicly, or if you do not want it publicly, let him tell us privately, but do not put us in the position where you make it more difficult to amend the bill or defeat the bill by passing the bill first and then give us the information—that is like locking the door after the horse is stolen.

Here is the question: If there is anyone in this house that knows the figures which will show that there will be available thirty-one million dollars without stopping or interfering with the functions which the highway commissioner last year said were necessary, I will be willing to listen to anyone, I don't care who it is.

I concede I can find you ten millions of it, and I will find ten millions of it on the figures. Instead of spending thirty-nine millions on road improvements you only spend twenty-eight millions, and you get eleven million dollars which you think is a saving, and which I contend is waste and extravagance, because you will have to do construction work instead of maintenance work.

I am not asking this for the purpose of interfering but I am asking it for a deliberate purpose to expose the fact, so we will not misunderstand each other, that I have a deliberate purpose to say we are either entitled to know what the Governor said is true or I am entitled to expose the fact on the floor of this Senate that the Governor is committing fraud on these people in telling them he has the money and, secondly, saying he does not intend to impose new taxes.

I say it is high time the people who pay monies to these so-called automobile associations realize that when an automobile association is in accord with the administration politically they shall then raise no objections to the transfer of funds; but when those associations that collect thousands of dollars from the motorists are not in accord with the political faith of the administration, then they come along and say you should not transfer funds.

We have, I specifically know, one or two presidents of large associations saying, we are in favor of transfer of funds. Not one of them knows as much about the subject as some of us who have looked it up here know, that it cannot be possible to take these monies out of the motor fund without interfering with the specific purpose for which that money was given; and if they complacently sit by and say nothing about it, then I want the people to know the type of corporations to which they are contributing thousands of dollars in the belief they are going to get protection in this legislature. If there is anybody on the other side who can answer that question, I am satisfied.

Mr. OWLETT. Mr. President, I will try. I think I can answer the question of the gentleman from Philadelphia, and I will make every effort to put it in simple language, so perhaps he can understand it.

Mr. SHAPIRO. Mr. President, it all depends upon what the gentleman means by simple.

Mr. OWLETT. Mr. President, the day we pass this bill, if it is passed, nobody goes to the highway department and takes out thirty-seven millions of dollars and puts it over into another fund. This merely transfers revenue to be delivered by the highway department between now and next May—revenue that has not yet come in; it transfers that so that it is a credit against our general fund. It is not a cash transaction at all.

Now then, Mr. President, I believe it has been explained that between now and next May 31st revenues will come into the highway department which cannot be used and actually spent by the highway department until after May 31st; so, by passing this act we are making available not thirty-seven million dollars tomorrow in cash, Mr. President, but we are making available a credit to the general fund of revenues that come in between now and next May, money that will not be needed until after this is returned to the highway department.

It is a very simple matter if it is carefully considered; it is not anything weird; it is not, as the Senator tries to make out, unsound financing.

Mr. President, about two or three years ago we passed a bill and set up a system of selling tax anticipation notes in the state, and I remember there was considerable discussion as to whether Senator Shapiro or Judge Kalodner or Attorney General Margiotti conceived the idea originally, but anyway the Supreme Court sustained it; the Supreme Court said, if you can see where there is revenue coming in before the end of the biennium, that is available for general fund purposes, you can sell tax anticipation notes to get the cash.

Now as I understand it, Mr. President, there will not be any cash immediately or all summer taken out of the highway funds actually, but revenues that come in during the winter, when the money cannot be spent on the highways, are created by this act as a credit against which tax anticipation notes can be sold; and that money made available to take care of the unemployed, and that is why I object to the amendment, because the act does that, and nothing more, and that is all that should be done and that is why the Senate should vote down the amendment. I have tried to be as brief as I could in answering the ques-

tion of the Senator from Philadelphia, Mr. Shapiro, as I understood his question.

Mr. SHAPIRO. Mr. President, at the risk of being charged with trying to create delays, I still say the Senator from Tioga, Mr. Owlett, has not answered my question. In fact, I think he is either confused himself, or is trying to confuse me. By one statement I understood him to say this money that comes into the highway fund will not be needed until after May 31st, 1941. Is that correct?

Mr. OWLETT. Mr. President, the thirty-seven million dollars of revenue of this Commonwealth that are received by the highway department from motor license funds, from gasoline taxes, from motor license fees, between now and next May 31st—of course we will receive a good deal more than that—but that much of it at least will not be spent until after May 31st of next year; and we are making that available as a credit for the general fund so that we can use that credit to take care of the unemployed and the needy of Pennsylvania, who otherwise might starve.

Mr. SHAPIRO. Mr. President, I thought the gentleman was confused, because what I would like to know, and would like to have him tell this Senate is, since when can the highway department or any other department use money budgeted for one season in another season. In other words, all the money that comes in from now until May 31, 1941, is budgeted to be spent between now and May 31, 1941. No department has the right to spend money in the next biennium awarded to be spent in this biennium. It can only mean, if they have all that, they will have a surplus of thirty-one million dollars.

You can not confuse me by telling me how smart I am, that does not mean anything to me; you can not confuse me by telling me I am supposed to know about figures; I want to know the answer to that one question.

The gentleman just got through saying this money will not be needed until 1941, after May 31st. Then, by what right did those people have that much money to spend in this biennium? They made up a budget to include every dollar anticipated to come in and also every dollar they anticipated it would be necessary to spend, or they were not telling us the truth.

I am frank to say I know what happened. The gentleman from Tioga is mistaken. This money will be used before May 31st, 1941, unless it is taken away, for the functions of the highway department. That is the answer to the question. We know what we are talking about.

Mr. CAVALCANTE. Mr. President, I have been considerably enlightened by the explanation of the gentleman from Tioga. I remember very distinctly that about four or five years ago a man standing high in the economic life of England, and who was the president or manager of a large British corporation, made certain public statements in which he misquoted the financial status of his corporation and thereby induced many of the public to invest in the bonds of that corporation.

That man was prosecuted by the Crown of England, under the common law, that our courts have said applies here in this Commonwealth; and after a trial by a jury of his peers he was found guilty and sentenced to penal servitude.

Here, later on, or sometime before that, we had here in our United States of America a certain man by the name of Charles Ponzi out in the New England states, who kept the same kind of books that the gentleman from Tioga says the Governor is keeping, and under the laws of our country we tried him for violating the penal laws and we sent him to prison.

Later on another gentleman, by the name of Krueger, the match King of the Norwegian countries who kept the same kind of books in the same kind of way as explained by the gentleman from Tioga, threw himself out of an airplane into the North Sea and drowned.

Further than that, Mr. President, we have on the statute books of this Commonwealth a law that makes it unlawful for an official or an agent of a corporation to make false statements concerning the status of the business affairs of that corporation; and if he makes false statements under that law he may be punished and imprisoned.

Now, Mr. President, this amendment will merely exculpate the Governor from a charge of that kind. We know that he has rigged up here a bookkeeping system that represents to the people that there are funds available, when we know in truth and in fact that the funds are not available; and proof of that is the statement of the gentleman from Tioga that these funds, this money, must come in next year sometime, money that rightfully, under the Constitution and the law, is money that must be applied to the next biennium and not this biennium.

If the bookkeeping of the Governor and the gentleman from Tioga is correct, that we do have these funds available, then we want to save the Governor from being prosecuted—and I see present here a member of Mr. Shelly's district attorney staff who prosecuted a certain case, and he may take notice that the Governor of this state has issued a false financial statement of this mighty corporation of the Commonwealth of Pennsylvania, and that he should investigate that.

This amendment merely tries to save the Governor from that. We are asking this fifth column here of Governor James to put in this bill what they mean—that the funds are there, that their bookkeeping is not false, that this money can be transferred back to this fund when the time comes from the revenues provided therefore and available for expenditures and appropriations for the biennium ending May 31, 1941.

We are merely asking them to do what they know in honor they ought to do, to protect their Governor from the charge of falsifying the financial status of this Commonwealth. We are not asking much. We have a right to ask that under our Democratic form of government, and the only ones and the only system of government that would be opposed to the truth would be a dictatorship or the groups that we call the fifth column with their blitzkrieg here. We do not want things like that in this Commonwealth or this nation.

I call upon the Republican side of this house to support their Governor in his assertion that the funds are available and can be paid back. That is all we are asking in this amendment, and your vote, no matter how you may try to explain it in your own mind, if you vote against this amendment you are voting, in fact, that your Governor is a falsifier and is a charlatan, and does not know what he is talking about, because in his speech he unmistakably says that the funds are available without further taxation. Down in his speech, unmistakably, unequivocally, he has it there.

Now, don't you have the backbone of your own convictions? If your Governor is telling the truth, why don't you vote and back your own Governor up?

Mr. SHAPIRO. Mr. President, I desire to interrogate the chairman of the finance committee.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the chairman of the finance committee tell us whether he heard what the majority floor leader of this Senate just said about the funds available in the motor fund?

Mr. OWLETT. Mr. President, I did.

Mr. SHAPIRO. Mr. President, will the chairman of the finance committee tell us what objection he sees to this amendment? He merely says these monies that will be available should be paid back. I would like to read: "That the money returned in 1941 should be paid back out of revenues available May 31, 1941."

Mr. OWLETT. Mr. President, that is exactly what will be done. In section 2 of this present act, it says, "The amounts transferred under this act from the motor license fund to the general fund shall be repaid to the motor license fund out of the general fund not later than June 30, 1941."

Mr. SHAPIRO. But, Mr. President, does the chairman of the finance committee not know that June 30, 1941, is a new biennium?

Mr. OWLETT. Mr. President, I do.

Mr. SHAPIRO. Mr. President, is there any objection to paying these funds back out of this biennium's funds, since the majority floor leader told the chairman of the finance committee here on the floor of this Senate, that he has the funds available?

Mr. OWLETT. Mr. President, there is a very serious objection, because if they were paid out of the general fund during the present biennium it would throw off the balance between the estimated receipts and expenditures, as the Senator well knows.

Mr. SHAPIRO. Then, Mr. President, we do not have the money?

Mr. OWLETT. Mr. President, I explained it to the Senator from Philadelphia a little while ago, and I will explain it to the Senator again—because I am sure he is familiar with it. If he will recall, when this tax anticipation note act was passed a lot of new taxes were passed by the New Deal government in charge, and many of those taxes could not come in for a year, could not come in perhaps until the second year of the biennium. They needed the cash, however, right away and they issued, very properly, against those future revenues, tax anticipation notes.

Mr. President, I explained before, and I will explain to the Senator again—although I doubt if it is necessary to explain to anybody else—that this is not a transfer of cash but a transfer of credits to the general fund, revenue that will come in between now and the end of the year in the motor license fund.

Now, Mr. President, if the gentleman professes that they will not use this in the form of credit but will use actual cash, to assume that, that they might take the cash immediately out of the motor license fund, might cripple the operations of the highway department, but if it is done in this way, namely, the credit of that department, the future revenues up to the end of this biennium pledged to the general fund, then we can get the cash through the tax anticipation note device, which was worked out originally, as I say, by Senator Shapiro or Judge Kalodner or Mr. Margiotti—I understand they all claimed credit for it.

Mr. SHAPIRO. Mr. President, why drag in Mr. Margiotti?

Mr. OWLETT. Mr. President, you can use that and you will not cripple the highway department at all, and we have the money and we are using the revenues that would not be used until after the first of the next biennium. It is a very simple matter.

Mr. SHAPIRO. Mr. President, I should like to speak on the amendment, because I find now that the gentleman from Tioga has confused the rest of the Senate; I am not the only one who does not understand this simple proposition. This is the only difference between us: what do you mean by the word simple?

I would like to point out that what the gentleman from Tioga has said is this: we do not have this money now but we will have it by May 31st, but since we do not have it now and we have to pay the relief, we are going to borrow that money on the non-existent funds which we are transferring from the motor license fund to pay that, and that those non-existent funds will be transferred to the general fund; then we will go out and we will ask the bankers of Philadelphia and elsewhere in the state to lend us money on these tax anticipation notes, under this terrible law which should have been declared unconstitutional because it was prepared by Shapiro or Kalodner, but nevertheless, since it is a law, and it is being used now, we will take advantage of it—we call it a bad law—but we will take advantage of it to raise from non-existent transfers the millions of dollars needed for relief.

I notice this is the first time anything has been said about tax anticipation notes, even by the Governor, although in the Governor's estimate of what is to be done with the seventy-three millions of dollars he includes an item of $239,000 for tax anticipation notes. That led me to believe what was going to happen here was that we were going to ask the bankers of Pennsylvania to do some more high financing. They did not have enough of that in 1929 and 1930, that they are going to be asked to lend this government money upon a motor license fund which does not exist but which will come in, and when the money comes in it will not be used to pay back the motor license fund, but it will be used to pay back the bankers, because if they do not get it then they will never get it, because it is not a legal obligation of the State, and no subsequent legislature could possibly pass an act to pay them, and nothing which this legislature can do can compel the next legislature to pass such a law.

Now, Mr. President, you just figure out in what position these bankers will be who take your money and mine, which we have deposited with them for safe-keeping, and they will loan money on these tax anticipation notes, secured by a non-existent fund which might come in if the Germans do not come in ahead of it, on the promise of the legislature that it will next year—not before the end of this biennium, because if it was out of the funds of this biennium they would not say June 31st, they would say May 31st—but out of funds of the next biennium they are telling the bankers they will get paid.

Well, for the information of the gentleman from Tioga I should like to quote the father of an eminent Senator of Pennsylvania, Senator Kephart, on page 225 of 329 Pennsylvania, in the Teachers Tenure Act, in which he

specifically says one legislature cannot bind the hands of a subsequent one, and this legislature has no such power to bind the hands of the next legislature.

Mr. President, I will have to get the Senator from Tioga to admit the truth of this situation, which is that there is no money here available, that we are going to hock the subsequent incoming funds from the motor fund, that we are not going to pay it back until 1941, when possibly, if there is a change in the situation and a Democratic House and Senate will be here, and a Democratic Senate will be elected, then the Democrats will have to levy the taxes to pay this bill, or refuse to return the money to the motor fund; and if that does not happen, then since we will take this up in the 1941 biennium, we will go through the same system again, which is, we will change our budget, we will reborrow the money from the motor fund again, and we will promise to pay it back in 1943. The Commonwealth of Pennsylvania will do it then. God save the Commonwealth, if that is what we are going to do.

Mr. OWLETT. Question, Mr. President.

Mr. SHAPIRO. Mr. President, it is perfectly obvious to me that the Senator from Tioga is anxious to get this over with, and he would like the question taken up right away, because the more you discuss this thing the more silly and fraudulent it looks; the more you look into this bill and see where we are going to pay two hundred and thirty-nine thousand dollars to discount notes for something we do not have, the more you realize the Governor meant what he said when he said you take it out of one pocket and put into another; he meant he wanted to conceal the fact from the members of the Senate and the House and the public from whose pocket he was going to take it.

He is taking it out of the motor fund, out of the public's pocket and putting it into his own political pocket because it is politically inconvenient for him at this time to meet this issue squarely. That is why this amendment will not be adopted, because this amendment says, Mr. Governor, if you mean you have this money in your left hand pocket and temporarily you want to put it in your right hand pocket to meet an emergency, and that emergency will be over May 31st, we say, all right, we will permit you to do that, provided you will take it back from that pocket and put it in the pocket you took it from.

The Governor will not do that, Mr. President, because he and everybody else who has any common sense and knowledge of figures knows this money will never be available this biennium and has to be raised through taxes next biennium, which he certainly will not do this year, because it is awfully difficult to get people to vote for a man for president who is Governor in a state where he increases taxes. He knows that, and before this election there will not be any new taxes.

The Governor will have a lot of explaining to do as to why, when he was a candidate for Governor he said he knew taxes could be reduced and plenty of money paid back to the citizens, and since then has asked for thirty thousand dollars and got it, and now is asking for thirty or thirty-five thousand dollars more for a committee to find out how taxes can be reduced—so that somebody can get a salary of sixty-five hundred dollars a year to be just a camouflage front to hide the facts, and some of us get ten or fifteen dollars a day when we come up here to attend a meeting. These things are all camouflage to hide the fact that the Governor did not know what he was talking about when he was a candidate for Governor when he was talking about reducing taxes; it was all camouflage in his position in regard to the Earle tax legislation, because he subsequently reenacted that legislation line for line, and he did not know what he was talking about when he and the gentleman from Tioga criticized tax anticipation notes, because he is using it now as a scheme to defraud the public, and that is why we will not get the amendment adopted.

And now, Mr. President, I will call for the question too.

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT, and were as follows, viz:

YEAS—21

| | | | |
|---|---|---|---|
| Cavalcante, | Frey, | Lanius, | Rice, |
| Coleman, | Gilson, | McCreesh, | Ruth, |
| Dando, | Haluska, | McGinnis, | Shapiro, |
| Dent, | Jaspan, | Mundy, | Sipe, |
| DiSilvestro, | Kunkel, | Reed, | Stiefel, |
| Eroe, | | | |

NAYS—27

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Letzler, | Stevenson, |
| Chapman, | Gelder, | Mallery, | Tallman, |
| Crowe, | Geltz, | Miller, | Thomas, |
| Deitrick, | Heyburn, | Owlett, | Walker, |
| Ealy, | Homsher, | Pierson, | Wolfenden, |
| Edmonds, | James, | Scarlett, | Woodward, |
| Farrell, | Kephart, | Snowden, | |

So the question was determined in the negative.

## CONSTITUTIONAL QUESTION

Mr. CAVALCANTE. Mr. President, at this time I wish to raise a constitutional question which I will ask this Senate to decide. On this bill, Mr. President, the Governor in his address to the joint session on May 6, on page 2, has stated: "I am recommending an appropriation of $71,850,000 for public assistance. I made the statement that the administration has the funds needed for the new appropriation for relief. Let me amplify that, and tell you where this money is to be found. It comes from three types of sources—first, various funds from which money can be borrowed for a period of months;—"

Mr. President, I want to emphasize the Governor says there it is borrowed. On page 3 of his address the Governor says as follows:

"It is because this money lies idle for a period of months that from time to time various administrations have borrowed from this fund. Such borrowings are not diversion."

Under the Constitution of this Commonwealth the borrowing power is limited to one million dollars. Sometime ago, when both houses of this assembly were dominated by Democratic policies, we introduced a resolution asking the people to amend the Constitution in order that future legislatures might meet the very problem that we have now before us. The people under the Constitution refused to make that amendment.

Mr. President, I take it from that result that the people do not want this legislature or the Governor of the Commonwealth to exceed the borrowing limit of one million dollars.

I amplify further on what I mean because I do not want my colleagues on the right here—Governor James' fifth column—to be mistaken in just what this constitutional question raises.

The gentleman from Tioga is by profession an attorney and in that capacity he represents many individual clients; those clients pay him certain fees that belong to him for his services as an attorney; he takes those fees and if he does not spend them he places them in his general account, personal account, upon which he can draw.

If money is paid to the gentleman from Tioga belonging to John Brown or Henry Miller or somebody else, he does not put that money in his general fund or personal fund but he places it in a special fund, because that money does not belong to him; and let the gentleman from Tioga transfer any funds from that deposit fund that do not belong to him to his personal account and spend it and see what the Bar Association of this Commonwealth and the courts of this Commonwealth will do to him.

Mr. President, these special funds are created by acts of assembly and are earmarked and unmistakable words say to whom that money belongs.

Mr. President, I think it is fundamentally derogatory to a democracy or the form of government that we have to tell the gentleman from Tioga, for transferring money out of this special fund to your personal fund you must suffer disbarment of suspension and conviction, and yet the Governor of this state and his fifth column can do that very thing and escape punishment.

Mr. President, I am saying at this time and raising the constitutional question that this act of assembly by section 2 specifically says in these words "The amount transferred under this act from the motor license fund to the general fund shall be repaid to the motor license fund."

Mr. President, if the money belongs to Governor James and his fifth column, if it belongs to us to do as we wish with it, why should we repay it back? The only things we repay are things that we borrow that do not belong to us.

The language is very plain that this act of assembly borrows money against the credit of this Commonwealth, and the conclusive evidence of it, Mr. President, is the full and accurate explanation given by the gentleman from Tioga that it is not merely a transfer of funds but it is an appropriation and the expenditure of funds that are not available, and by some hook or crook or by some manipulation the joint session of 1941 must raise—purely and simply, a borrowing. a borrowing that violates the Constitution of this Commonwealth, and I call at this time for this Senate to decide that constitutional question under the rules of parliamentary practice.

Mr. SIPE. Mr. President, I felt that probably I should tell the Senate along what lines my thoughts were running when the Senator from Fayette was making his remarks about courts and lawyers and Bar Associations, and then he raised his constitutional question. I think that inasmuch as Brother Cavalcante raised a constitutional question probably I should raise a historical question and ask the Senate whether or not it is true that the present Governor of Pennsylvania will go down in the history of Pennsylvania as the only Governor of the Commonwealth ever rebuked by the American Bar Association. Please help me solve this problem.

The PRESIDENT. The clerk will read the bill.

Mr. CAVALCANTE. Mr. President, I raised a constitutional question and I call on the Senate for an answer.

The PRESIDENT. There is no motion before the Senate.

## MOTION THAT SENATE DETERMINE CONSTITUTIONAL QUESTION

Mr. CAVALCANTE. Mr. President, it does not require a motion but if it does I move at this time that this Senate determine the constitutional question which I have raised.

## POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the motion of the Senator from Fayette, Mr. Cavalcante, is not in order.

The PRESIDENT. The Chair takes it the Chair is not in a position or has no authority to decide constitutional questions and the question before this Senate at this time is this bill and if the Senate passes the bill the validity or constitutionality of it must be passed upon by the courts.

Mr. CAVALCANTE. Mr. President, I do not understand the rules and decisions and proceedures of the general assembly to be such.

Mr. President, you will find that question repeatedly decided in the House as well as in this Senate, that a constitutional question is a question to be determined by the legislative body and that the question must be separately determined whenever a question is raised; and that request is made.

Mr. OWLETT. Mr. President, may I suggest that the gentleman from Fayette, Mr. Cavalcante, has not stated what his question is that he wants determined by this Senate. The gentleman can not raise a constitutional question by merely standing up and saying I raise a constitutional question.

Mr. President, here is a bill before this assembly now and it is up now to be voted on, on second reading; and if the gentleman from Fayette wishes to have the Senate vote for it because he believes it is unconstitutional, that is one thing, but if he raises some question about this bill, some constitutional point, that is something else.

I submit, Mr. President, at the present time there has been no constitutional question raised for this Senate to act upon, and therefore I think the point of the Senator from Fayette is not in order.

Mr. CAVALCANTE. Mr. President, the Chair and I, who have profound minds and understand each other—and the Chair was very attentive and knows that the constitutional question I raised is that this bill is borrowing thirty-seven millions of dollars, whereas the Constitution of this Commonwealth limits the borrowing power of the Commonwealth to only one million dollars—and, Mr. President, if the gentleman from Tioga does not know the Constitution so reads I am indeed helpless—think we had better send him back to law school.

And the question recurring,

Will the Senate agree to the bill on second reading?

## POINT OF INFORMATION

Mr. SHAPIRO. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of information.

Mr. SHAPIRO. Mr. President, are we now voting on an amendment?

The PRESIDENT. The Chair does not so understand.

The only thing before the Senate is consideration of the bill.

Mr. SHAPIRO. Mr. President, I desire to present the following amendment. Before I do so I should like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated.

Mr. OWLETT. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I understand from the gentleman from Tioga that the transfer of these funds will not interfere with the normal work of the highway department.

Mr. OWLETT. I so understand, Mr. President.

Mr. SHAPIRO. Mr. President, I notice the words, in the bill, page 2, line 2, "To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified," and following that and in conformity with what the gentleman tells me I now offer the following amendment, the effect of which will be to strike out those words.

Amend Section 1, page 2, by striking out on line two all of the words after the word Assembly and all of lines three, four and five

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. SHAPIRO. Mr. President, I should like to say to to the gentlemen who have had experience with road troubles in their districts that they need not vote on this amendment on party lines. You have all heard the gentleman from Tioga say the transfer of these funds will not interfere at all with the normal operations of the highway department. Many of you gentlemen represent rural districts and those of you who live in those districts know what I, not living in a rural district, have found out by use of a motor car, that the roads in Pennsylvania have been in terrible condition all winter, and you also know the people know that.

To digress a moment, Mr. President, I have an amendment to offer which the Senator from Tioga will not accept, but I want to say last year before Governor James came into office we spent thirty-nine millions of dollars in maintenance of roads and this year, since Governor James came in, we have spent twenty-eight millions of dollars, and I doubt very seriously that eleven millions of dollars will do a great deal to repair those roads that ruin the tires of the people that pay the taxes for the purpose of having those ruts kept out of the highway.

Mr. President, I should like to suggest to the gentlemen from rural districts on both sides of this Senate and those who realize they have an obligation, that they take Mr. Owlett at his word and accept his suggestion that there will be no interference, but knowing the highway chiefs under the Earle Administration, under the Pinchot Administration, and under all administrations, knowing that they are inclined to do not what the legislature tells them but what the gentleman who appoints them tells them, we ought to be particularly careful and make ourselves perfectly sure what the Senator anticipates shall happen, and we should be sure there will be no curtailment of ordinary functions, and therefore I think you can, without upsetting the program, which is the Governor's program, not to interfere with normal functions, you can very perfectly, honestly and above board and comfortably vote for the elimination of these words, "To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified."

I suggest, Mr. President, to those gentlemen, vote against the amendment let the public know it is not true that the transfer of those funds will not delay and interfere with and postpone the normal governmental functions but that on the contrary it will, and if you vote no on this amendment you are giving me the authority to say that you are allowing the Governor of this Commonwealth to interfere with governmental functions, because that appears in every one of these bills, just because you want to avoid meeting the situation squarely and honestly.

Thus, Mr. President, in the motor fund bill thirty-seven millions of dollars are to be taken out.

The gentlemen have obligations to their districts and they should vote accordingly.

Mr. OWLETT. Mr. President, I merely want to say I know the people in my district, rural district as it is, will not be fooled by the amendment offered to this bill by the Senator from Philadelphia.

Mr. SHAPIRO. Mr. President, they will not pay any attention to it.

Mr. OWLETT. And, Mr. President, they will realize they should not be fooled by the attempt of the Senator from Philadelphia, Mr. Shapiro, to try to embarrass a rural member by this method. I have no qualms at all in voting against it because I know the people will realize it was offered by the Senator from Philadelphia and it must have been offered to try to fool me. You cannot fool the rural people of this state that way and my observation is you cannot fool the thinking people of Pennsylvania, who watch these matters, by introducing a mere amendment in the Senate here and trying to tell the Senators they will be embarrassed by voting against it.

Mr. SHAPIRO. Mr. President, I just want to say I have given up trying I have seen other fellows go into a Senator's district and tell the people in that district the Senator should not be elected, but nobody has been able to do it yet—he just comes back and gets what he wants.

Mr. OWLETT. Mr. President, I am not coming back.

Mr. SHAPIRO. Mr. President, the Senator from Tioga could come back again if it were not for the fact that Joe Grundy has double-crossed him. Mr. President, I have no interest in the district of the Senator from Tioga, Mr. Owlett—he carries that around in his vest pocket but I am talking to the other gentlemen in the Senate who are not so sure of their positions in their own districts, where the people vote according to how a man represents them in the Senate. Those are the fellows I am talking to. The Senator from Tioga need not worry about that. And talking about fooling, am I fooling anybody? Unless he was fooling me when he said in answer to my question that normal governmental functions will not be interfered with—unless he was fooling me then—then you do not want the words in there. I say I never saw that in the bill and I studied it carefully and I didn't see it. Instead of him saying thanks for the amendment, instead of that he says I am now fooling him. He has not been fooled very often.

Mr. DENT. I come from a rural district, Mr. President, and I want to say here without fear of contradiction that the roads in my district are in worse shape than

at any time since the first Pinchot Administration. I want to say without fear of contradiction that if they do not do something to the rural roads in my district the farmers are going to be in worse mud than they were ever before. Roads have been destroyed during this hard winter and yet word went out to the highway men in my district to be very careful with the use of ashes and the use of repair materials because they have to save enough money to lend the Governor in order to take care of relief and the needy.

Mr. President, if they are not going to interfere with the ordinary functions of the highway department why do they object to this amendment? It seems to me we are taking a page from history. We never passed bills unless they contained a lot of amendments and then the people came along in 1938 and put in more amendments. I want to say to the gentlemen on the other side you cannot condemn us for things you are now trying yourselves to do.

Mr. SIPE. Mr. President, I really believe the statement of the Senator from Tioga, Mr. Owlett, that you cannot fool the rural people—meaning us old farmers—was a little too sweeping; it all depends on who the person is that does the fooling. Governor James certainly succeeded in fooling us farmers of Pennsylvania. He went running and chasing over the State during his campaign making the most extravagant promises to us old farmers, yet no sooner did he get into office than the farmers were the first to get their throats cut in the reduction of the milk price in Pennsylvania, so that it is a matter of record that during the first year of his administration the milk producing farmers of Pennsylvania received almost three and one-half millions of dollars less for their milk than they did in 1938.

Mr. President, there are some fellows here and there—and once in a while there is one in the Governor's chair—who actually can fool us old farmers, but we are a great deal like the old German when he said, you fool me once, shame on you, but you fool me twice, shame on me.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT, and were as follows, viz:

YEAS—20

| | | | |
|---|---|---|---|
| Cavalcante, | Frey, | Lanius, | Rice, |
| Coleman, | Gilson, | McCreesh, | Ruth, |
| Dando, | Haluska, | McGinnis, | Shapiro, |
| Dent, | Jaspan, | Mundy, | Sipe, |
| DiSilvestro, | Kunkel, | Reed, | Stiefel, |

NAYS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrick, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

So the question was determined in the negative.

## MOTION TO DROP BILL FROM CALENDAR

Mr. CAVALCANTE. Mr. President, I now move that Senate Bill No. 5, (House Bill No. 2), on today's calendar be dropped from the calendar for the following reasons:

First. The bill is unconstitutional in that it permits the borrowing of a sum in excess of the constitutional limitations.

Second. It permits the diversion of the fund to a purpose other than the purpose for which it was levied.

Mr. McGINNIS. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE, and were as follows, viz:

YEAS—19

| | | | |
|---|---|---|---|
| Cavalcante, | Frey, | Lanius, | Ruth, |
| Coleman, | Gilson, | McCreesh, | Shapiro, |
| Dando, | Haluska, | McGinnis, | Sipe, |
| Dent, | Jaspan, | Mundy, | Stiefel, |
| DiSilvestro, | Kunkel, | Rice, | |

NAYS—29

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Letzler, | Snowden, |
| Chapman, | Gelder, | Mallery, | Stevenson, |
| Crowe, | Geltz, | Miller, | Tallman, |
| Deitrick, | Heyburn, | Owlett, | Thomas, |
| Ealy, | Homsher, | Pierson, | Walker, |
| Edmonds, | James, | Reed, | Wolfenden, |
| Eroe, | Kephart, | Scarlett, | Woodward |
| Farrell, | | | |

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

The yeas and nays were required by Mr. SHAPIRO, and were as follows, viz:

YEAS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Dando, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

NAYS—18

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | McCreesh, | Ruth, |
| Coleman, | Haluska, | McGinnis, | Shapiro, |
| Dent, | Jaspan, | Mundy, | Sipe, |
| DiSilvestro, | Kunkel, | Rice, | Stiefel, |
| Frey, | Lanius, | | |

So the question was determined in the affirmative.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 6, (House Bill No. 3), entitled:

An Act transferring money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I offer the following amendment and ask its immediate adoption.

Amend, Section 3, page 2, line 22, by adding after the word forty-one the following:
"from revenue available for expenditure for the biennium ending May thirty-first one thousand nine hundred and forty-one."

Mr. SHAPIRO. I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. CAVALCANTE. Mr. President, I do not intend to argue on this amendment because the same reasons I advanced why the amendment should have been placed in the previous bill apply to this amendment.

The yeas and nays were required by Mr. OWLETT, and were as follows, viz:

YEAS—20

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | Lanius, | Rice, |
| Dando, | Haluska, | McCreesh, | Ruth, |
| Dent, | Jacobs, | McGinnis, | Shapiro, |
| DiSilvestro, | Jaspan, | Mundy, | Sipe, |
| Frey, | Kunkel, | Reed, | Stiefel, |

NAYS—27

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Letzler, | Stevenson, |
| Chapman, | Gelder, | Mallery, | Tallman, |
| Crowe, | Geltz, | Miller, | Thomas, |
| Deitrick, | Heyburn, | Owlett, | Walker, |
| Ealy, | Homsher, | Pierson, | Wolfenden, |
| Edmonds, | James, | Scarlett, | Woodward, |
| Farrell, | Kephart, | Snowden, | |

So the question was determined in the negative.

Mr. SHAPIRO. Mr. President, when this bill passes I have come to the conclusion that the stay of the gentlemen who vote for this bill in this chamber is going to be very short, because I think the people are going to object to what they did and show it in their vote, so I am going to save on printing costs and I will not offer the amendment I offered before but will cover it instead by one question I should like to ask the gentleman from Tioga.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated.

Mr. OWLETT. I will, Mr. President.

Mr. SHAPIRO. Mr. President, does the gentleman from Tioga agree that the transfer of these funds will not affect the ordinary functions of the Department of Public Assistance.

Mr. OWLETT. I do, Mr. President.

Mr. SHAPIRO. And, Mr. President, the gentleman knows that the words "to the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified," appear in this bill.

Mr. OWLETT. I do, Mr. President.

Mr. SHAPIRO, And, Mr. President, if I offered amendments to the same effect as I did to the previous bill, striking out the words, would the gentleman vote against it and ask his colleagues to do likewise.

Mr. OWLETT. I would, Mr. President.

Mr. SHAPIRO. Mr. President, does the Chair see how the gentleman from Tioga controls his colleagues? I do not uselessly propose to offer an amendment, but I should like to tell the gentleman from Tioga he should take cognizance now of the fact his colleagues do agree with what he says.

## MOTION TO DROP BILL FROM CALENDAR

Mr. CAVALCANTE. Mr. President, having noted how firmly the gentleman from Tioga holds his fifth column in check and in order to keep the record straight I move that this (Senate Bill No 6, House Bill No. 3) be stricken from the calendar for the following reasons:

First. The bill is unconstitutional in that it permits the borrowing of a sum in excess of the constitutional limitation.

Second. It permits the diversion of the fund to a purpose other than the purpose for which it was levied.

Mr. JASPAN. I second the motion Mr. President.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—18

| | | | |
|---|---|---|---|
| Cavalcante, | Haluska, | McCreesh, | Ruth, |
| Dent, | Jacobs, | McGinnis, | Shapiro, |
| DiSilvestro, | Jaspan, | Mundy, | Sipe, |
| Frey, | Kunkel, | Rice, | Stiefel, |
| Gilson, | Lanius, | | |

NAYS—30

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Letzler, | Snowden, |
| Chapman, | Fulton, | Mallery, | Stevenson, |
| Crowe, | Gelder, | Miller, | Tallman, |
| Dando, | Geltz, | Owlett, | Thomas, |
| Deitrick, | Heyburn, | Pierson, | Walker, |
| Ealy, | Homsher, | Reed, | Wolfenden, |
| Edmonds, | James, | Scarlett, | Woodward, |
| Eroe, | Kephart, | | |

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—29

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Dando, | Geltz, | Miller, | Thomas, |
| Deitrich, | Heyburn, | Owlett, | Walker, |
| Ealy, | Homsher, | Pierson, | Wolfenden, |
| Edmonds, | James, | Scarlett, | Woodward, |
| Eroe, | | | |

NAYS—16

| | | | |
|---|---|---|---|
| Cavalcante, | Jacobs, | McCreesh, | Ruth, |
| DiSilvestro, | Jaspan, | McGinnis, | Shapiro, |
| Frey, | Kunkel, | Reed, | Sipe, |
| Haluska, | Lanius, | Rice, | Stiefel, |

So the question was determined in the affirmative.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 7, (House Bill No. 4), entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I offer the following amendment and I wish to state that the reasons given when I submitted the previous amendments to the previous bills apply to this amendment; and I move its immediate adoption.

Amend, Section 2, page 2, line 11, by adding after the word forty-one the following: "from revenue available for expenditure for the biennium ending May thirty-first one thousand nine hundred and forty-one"

Mr. HALUSKA. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—18

| | | | |
|---|---|---|---|
| Cavalcante, | Haluska, | McCreesh, | Ruth, |
| Dando, | Jacobs, | McGinnis, | Shapiro, |
| DiSilvestro, | Jaspan, | Reed, | Sipe, |
| Frey, | Kunkel, | Rice, | Stiefel, |
| Gilson, | Lanius, | | |

NAYS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrich, | Geltz, | Miller, | Thomas, |
| Ealy | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. SHAPIRO. Mr. President, the motor license fuel fund, at the rate at which receipts are coming in now, receives about six hundred thousand dollars a month; in twelve months there will be available $7,200,000. There is now in the motor license fund—or the liquid fuel tax fund—or the liquor license fund.

The PRESIDENT. For the information of the Senator from Philadelphia, the Chair states that this is the liquor license fund—House Bill No. 4.

Mr. SHAPIRO. Mr. President, a total of $7,200,000 in this liquor license fund belongs to all of the various counties of Pennsylvania. There is not enough money there now, and will not be until the end of this month, to pay the various counties the amount of money that belongs to them and should be distributed, and which they have included in their budgets. Mr. President, I should like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I should like the gentleman from Tioga to tell me, if he will, whether it is not true that if this bill becomes a law the moneys payable from now until May 31st to the counties will not be paid to them.

Mr. OWLETT. Mr. President, I think the statement of the Senator from Philadelphia is not true; the fund does not go to the counties but to the municipalities and so, Mr. President, in order to save time I will say to the Senator it is my understanding if this bill passes payment of the money due municipalities from the liquor license fund, will be postponed until after the first of the next biennium.

Mr. SHAPIRO. In other words, Mr. President, if this bill passes—

Mr. OWLETT. None of this goes to the counties, Mr. President.

Mr. SHAPIRO. That is all right, Mr. President, we will call it the municipalities. The municipalities will not get the money which would otherwise go to them, if this bill becomes a law?

Mr. OWLETT. Mr. President, that is correct. However, it happens that the county from which the Senator comes has had its money, so there will be very little postponement as far as that county is concerned.

Mr. SHAPIRO. Is it correct, Mr. President, they will not receive the money until after May 31st.

Mr. OWLETT. Mr. President, they would not get that until February.

Mr. SHAPIRO. Mr. President, I assume there is no necessity that I make the motion I made before, because the gentleman from Tioga would object, but I should like to interrogate the Senator from Tioga, Mr. Owlett, further.

The PRESIDENT. Will the Senator from Tioga, permit himself to be interrogated further?

Mr. OWLETT. I will, Mr. President.

Mr. SHAPIRO. Mr. President, is it not true if we struck out the words "to the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified," from this bill the bill would be of no value so far as the program is concerned?

Mr. OWLETT. Mr. President, if those words were stricken from the bill we would be short $7,250,000 for relief.

Mr. SHAPIRO. All right, Mr. President.

MOTION THAT BILL BE DROPPED FROM CALENDAR

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 7, (House Bill No. 4), be dropped from the Calendar for the following reasons:

First. The bill will increase the borrowing power of the Commonwealth beyond the constitutional limitation.

Second. It diverts monies to a purpose other than the purpose for which they were levied.

Third. Because it is special legislation, in that the share that belongs to Philadelphia has been paid, this bill will deprive the rest of the municipalities of their share for a period of time.

Mr. McGINNIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE, and were as follows, viz:

YEAS—18

| | | | |
|---|---|---|---|
| Cavalcante, | Haluska, | McCreesh, | Ruth, |
| Dando, | Jacobs, | McGinnis, | Shapiro, |
| DiSilvestro, | Jaspan, | Mundy, | Sipe, |
| Frey, | Kunkel, | Rice, | Stiefel, |
| Gilson, | Lanius, | | |

NAYS—29

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Letzler, | Snowden, |
| Chapman, | Gelder, | Mallery, | Stevenson, |
| Crowe, | Geltz, | Miller, | Tallman, |
| Deitrick, | Heyburn, | Owlett, | Thomas, |
| Ealy, | Homsher, | Pierson, | Walker, |

| | | | |
|---|---|---|---|
| Edmonds, | James, | Reed, | Wolfenden, |
| Eroe, | Kephart, | Scarlett, | Woodward, |
| Farrell, | | | |

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

The yeas and nays were required by Mr. SHAPIRO, and were as follows, viz:

YEAS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrich, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

NAYS—20

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | Lanius, | Rice, |
| Dando, | Haluska, | McCreesh, | Ruth, |
| Dent, | Jacobs, | McGinnis, | Shapiro, |
| DiSilvestro, | Jaspan, | Mundy, | Sipe, |
| Frey, | Kunkel, | Reed, | Stiefel, |

So the question was determined in the affirmative.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 8, (House Bill No. 5), entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I offer the following amendment and state that the arguments and statements I made concerning the three previous amendments apply also to this amendment, and ask its immediate adoption.

Amend, Section 2, page 2, line 12, adding after the word forty-one the following: "from revenue available for expenditure for the biennium ending May thirty-first one thousand nine hundred and forty-one"

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—17

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | McCreesh, | Ruth, |
| Dando, | Haluska, | McGinnis, | Shapiro, |
| DiSilvestro, | Jacobs, | Mundy, | Sipe, |
| Eroe, | Lanius, | Reed, | Stiefel, |
| Frey, | | | |

NAYS—27

| | | | |
|---|---|---|---|
| Bartlett, | Gelder, | Letzler, | Stevenson, |
| Chapman, | Geltz, | Mallery, | Tallman, |
| Crowe, | Heyburn, | Miller, | Thomas, |
| Deitrick, | Homsher, | Owlett, | Walker, |
| Ealy, | James, | Pierson, | Wolfenden, |
| Edmonds, | Kephart, | Scarlett, | Woodward, |
| Farrell, | Kunkel, | Snowden, | |

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

THE PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I understand from this fire insurance tax fund the City of Philadelphia is entitled to receive the sum of $198,000.00 which is still due it; is that correct?

Mr. OWLETT. I do not so understand, Mr. President, I understand it is a voluntary fire association.

Mr. SHAPIRO. Mr. President, the Treasury Department has furnished us with figures showing the amounts due each county and there is due Philadelphia County, $198,599.23. There is a total of $1,494,017.40 that will be due and payable to all the counties up to April 30, 1940—that is up to the 30th of May.

Mr. President, I understand the use of the words "To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified" will cause postponed payment of the money now already due; is that correct?

Mr. OWLETT. Mr. President, that is correct.

## MOTION TO DROP BILL FROM CALENDAR

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 8 (House Bill No. 5) be dropped from the Calendar for the following reasons:

First. Because the bill is a borrowing in excess of the constitutional limitation;

Second. It is a diversion of the revenues to a purpose other than the purpose for which they were levied.

Mr. RUTH. Mr. President, I second the motion.

On the question,

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—13

| | | | |
|---|---|---|---|
| Cavalcante, | Frey, | Jacobs, | McGinnis, |
| Dando, | Gilson, | Lanius, | Ruth, |
| Dent, | Haluska, | McCreesh, | Shapiro, |
| DiSilvestro, | | | |

NAYS—29

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Letzler, | Snowden, |
| Chapman, | Gelder, | Mallery, | Stevenson, |
| Crowe, | Geltz, | Miller, | Tallman, |
| Deitrick, | Heyburn, | Owlett, | Thomas, |
| Ealy, | Homsher, | Pierson, | Walker, |
| Edmonds, | James, | Reed, | Wolfenden, |
| Eroe, | Kephart, | Scarlett, | Woodward, |
| Farrell, | | | |

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrick, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

NAYS—19

| | | | |
|---|---|---|---|
| Cavalcante, | Haluska, | McCreesh, | Ruth, |
| Dent, | Jacobs, | McGinnis, | Shapiro, |
| DiSilvestro, | Jaspan, | Mundy, | Sipe, |
| Frey, | Kunkel, | Reed, | Stiefel, |
| Gilson, | Lanius, | Rice, | |

So the question was determined in the affirmative.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. WOODWARD. Mr. President, in voting "aye" on this bill I would like to explain that the money will never be returned.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Woodward, why he thinks the money in this fund will not be returned?

Mr. WOODWARD. Mr. President, when I first came here, it seemed to me that the firemen had raided the state treasury and I did not see why if the firemen could do that, others should not have a similar right and so on; and I therefore in my innocence proceeded to go into the matter and I discovered that I was the only one in this Senate opposed to these raids on this fund. The firehouse was used as headquarters and I found there was no use in my opposing the raid, but at the same time I have never changed my mind and earlier when this bill was under discussion I talked with Judge Bonniwell and to various presidents of this fire-relief association and I learned the money at that time went to every sub-division of this state, whether they had any firemen on relief or not, and that subsequently was changed for the better; but I learned at this time this money is used for parades, picnics and so on, as well as for firemen's relief, and I was also informed by an officer in the trust company that that money just piled up, and I therefore lose no opportunity in branding it as a raid on the treasury.

I have only one firehouse in my district, Mr. President.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 9, (House Bill No. 6), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I offer the following amendment and move its immediate adoption. I might state for the information of the Senate, it is similar to the amendments I have offered to the previous bills and the statements that I previously made also apply to this amendment.

Amend, Section 2, page 2, line 10, by adding after the word forty-one the following: "from revenue available for expenditure for the biennium ending May thirty-first one thousand nine hundred and forty-one"

Mr. McGINNIS. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. McGINNIS. Mr. President, this bill affects very seriously every county in the state. At its very best it delays one million dollars coming to the county of Allegheny; it upsets the budget; and I think the fact that payments will be further delayed should be made very definite.

Now, of course, the answer is that this money may be borrowed by the counties. Some of us have grave doubts about the right of the counties to borrow on this delayed payment by the state. It is a debt due to the counties by the state but it is not like the ordinary debt owed to a county because the county cannot sue the state and if the state chooses not to pay the county cannot enforce that claim.

It is a good illustration of the difference in our two great parties. Our party at Washington, Mr. President, in the past eight years has been concerned about the local municipalities, and if it had not been a sympathetic administration with these local municipalities I do not know what would have happened.

There is not a person in this room, Mr. President, who doesn't know of many great improvements, the planning of hospitals, the building of sewers, streets, playgrounds, and parks in every county in the United States by the government, through the help of the government at Washington, and there was no annoying, no withholding of cooperation with every municipality in the nation, and yet this administration instead of lending a helping hand to every municipal government in our state, instead of going down like our federal government, does, down into these communities to help them in their trials and tribulations, here the administration withholds what it promised to give, what it has collected or will collect, and instead of assisting, encouraging and helping those local communities, we have got a party in power in this state that is withholding, annoying, worrying, and in every way possible making it difficult for those municipalities back home to get along, whereas to my mind it should be just the contrary, this administration should lean backwards like our federal government does to go down into those communities and help them rather than hinder them.

Mr. SIPE. Mr. President, in this chamber only a few days ago I gave an explanation of why the James Administration is not sympathetic to the municipalities that are struggling and in difficulties and not sympathetic to the unfortunate of this state.

I made the comparison of my pleading for the unfortunate tuberculosis sufferers to this administration, with the pleading of Portia to Shylock, who likewise showed no mercy; and I termed this administration, therefore, a Shylock Administration, having no mercy. That is the explanation, Brother McGinnis.

Now back in my County of Armstrong, Mr. President, we are going to be steadily handicapped too by the transfer of funds, as evidenced by this unanimous resolution of the County Commissioners of the goodly county of Armstrong, and letters from several which I hold in my hand, and which read as follows:

RESOLUTION

Whereas, it has been brought to the attention of the Board of County Commissioners of Armstrong County that the proportionate payment of liquid fuels tax to Counties of Pennsylvania is to be postponed until 1941; and

Whereas, Armstrong County in framing its budget in January of this year included in its estimates $53,000.00 as a revenue from this source, which represents a mill and a fourth of our tax rate; and

Whereas, failure to receive this amount of money in the current year places in jeopardy our ability to pay our State obligations, to meet our interest obligations on highway bonds, to pay highway bonds, to pay highway damages, repair on bridges, etc.

Now, Therefore, Be It Resolved by the Board of County Commissioners of Armstrong County, That we oppose any measures and request our Representatives and Senator to oppose any measures that will prevent Armstrong County from getting its proper proportionate share of the liquid fuels tax in the year 1940.

Passed unanimously this 13th day of May, 1940.

Along the same line, Mr. President, I also hold in my hand a letter from the Borough Council of the Borough of Kittanning, the capital of the county of Armstrong which reads as follows:

Honorable C. Hale Sipes,
Harrisburg, Penna.

Honorable Senator Sipes:

At a regular adjourned meeting of the Kittanning Borough Council, a resolution was unanimously passed protesting the transfer of Liquor License Fund and the Fire Insurance Tax, to other funds as now proposed by the Governor, and we ask our State Representatives to oppose these transfers.

You, no doubt, are familiar with the fact that all Boroughs operate on a proposed budget. If we are deprived of this revenue which amounts to about $3,500.00 per year on the Liquor License Fund and about $1,500.00 per year on the Fire Insurance Fund, it will necessitate the abandonment of some of the Borough improvements set forth in our 1940 budget.

Trusting that you approve of our resolution and can assist in saving these sums for use by the Borough this year.

Very respectfully yours,

BOROUGH OF KITTANNING

POINT OF ORDER

Mr. OWLETT. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his point of order.

Mr. OWLETT. Mr. President, the petition is not involved in this bill.

Mr. SIPE. It is involved as much as other stuff has been. Mr. President, a whole lot of stuff has not been involved on this bill.

POINT OF ORDER RENEWED

Mr. OWLETT. Mr. President, I renew my point of order.

The PRESIDENT. Will the Senator from Armstrong, Mr. Sipe, permit himself to be interrupted?

Mr. OWLETT. Mr. President, I rise to the point of order that this bill has to do with the liquid fuel tax, and the letter the Senator is reading has to do with a bill that has already passed second reading. If we do not keep to the subject under consideration I fear we will never get through here.

Mr. SIPE. Mr. President, there are only about two more sentences and since the Senator from Tioga is a very patient man, I believe he will enjoy the remainder of the letter.

I have replied to both these letters through the local newspaper up at Kittanning, telling the county commissioners of that county and the council of Kittanning, that, as I see it, the James program is going to be jammed and rammed through this legislature without any variation whatever, without the dotting of an I, without the crossing of a T. It seems to me that the James blitzkrieg is as well organized as the Hitler blitzkrieg.

Mr. DENT. Mr. President, if I understand this bill, it takes money in the liquid fuel tax fund away from the county governments, when our counties throughout the state have set up their budgets expecting a certain amount of the money to be returned to the various counties to be used in repairing roads, building roads and so forth. Governor James has cracked down about W. P. A. not doing enough work in Pennsylvania. The passage of this bill will further curtail W. P. A. work. My county commissioners have already used a goodly sum of this money to sponsor W. P. A. projects on road work and when this money is taken from that county they will not not be able to finance their end of W. P. A. projects.

I do not understand how we can at this time sit here and vote to destroy the budgetary systems of the various counties and the county governments and not know exactly what we are doing, without knowing who is going to return the money to the county government, and as I figure it out you are using the same assets to borrow money four times. The state is being given permission to borrow money against the anticipated revenues of the liquid fuel tax. This money has already been earmarked and set up for the local county governments. The state borrows the money on anticipated revenues; the local counties then go into some bank and they borrow some money on the money that is due them from the same liquid fuel tax. Somebody has to pay the piper gentlemen, somebody has to make good; and when you do pass new taxes, as you will have to do, when you do that who is going to be paid? Are you going to pay the county governments or the people who have loaned the money to the state government?

I think it is a perfectly asinine piece of legislation.

Mr. CAVALCANTE. Mr. President, both the gentleman from Allegheny, Mr. McGinnis, and the gentleman from Westmoreland, Mr. Dent, have hinted that the counties might borrow against the promise of Governor James that this money will be repaid to the liquid fuel tax fund in seasonable time. I hope that there are not many gullible county commissioners and county solicitors who would swallow that promise of the governor's without questioning it.

May I say that whoever, entertains the thought that the counties may borrow against the promise of the governor to repay is absolutely wrong, because the liquid fuel tax fund is a creature of the legislature, created by an act of assembly. Just as the fifth column is transferring a portion of it to the general fund now, in 1941 that general assembly may transfer the balance and repeal the act of assembly that created that fund.

Should that happen, Mr. President, what value will the papers have upon which bankers and other people may loan to these counties on the promise of Governor

James to pay that money back? Governor James may promise that, but Governor James may not promise what the session of 1941 may do. They may repeal this tax; they may abolish the liquid fuel tax fund and decree that whatever balance remain in that fund be paid over into the general fund.

Truly, Mr. President, the counties cannot borrow against the promise of the governor to repay back; and do not be fooled by that smoke screen, nor be fooled by the fifth column and the blitzkrieg they are putting on. You cannot borrow, because the fund may be abolished, and Mr. James cannot prevent it if the general assembly in January 1941 will amend the law and abolish it—abolish the law that creates the fund.

Mr. SHAPIRO. Mr. President, I was looking at these figures a few minutes ago, and I thought I would make some kind of impression on the Senate by the enormity of the figures. I have just been told, though, that Germany has already advanced into France and has captured some French cities and I am wondering what figures dealing with three million dollars, how much impression that would make on the Senate of Pennsylvania. In fact, I am beginning to think that these millions of dollars do not mean anything. Maybe they do, but many people hold to the thought that what we are doing now, just as what they are doing on the other side, is paving the way for the undermining of real democracy.

This is a relief session, supposed to be called for the purpose of raising money for relief. $6,331,000 was spent by the state government in March 1940 for what is known as general assistance, which is the direct relief. Of that amount $1,965,000, or one-third of the six million dollars, went to Philadelphia.

The Senate has already passed bills which will curtail roadwork throughout the state. The Senate is now passing a bill which takes away from Philadelphia one million dollars of money which it must, under the purpose clause of the fund, use for maintenance and construction of roads. That money, I understand from the questions I asked first, and which have been answered by the gentleman from Tioga, will not be received by the city or county, whichever the case may be on the respective funds and now, it seems to me when you take away a million dollars in Philadelphia for road work or as this bill proposes, eleven million dollars throughout the state, you are going to increase your relief to the same extent over this next period.

If you gentlemen want to do that you are privileged to do it because you have the votes, but I think you should hesitate and give a little more attention to the purpose of these amendments, the program which you will carry out—because it is going to come back to haunt you.

This bill also provides that payment of these monies shall be postponed. You cannot get away from the words "to the extent to which these transfers make it necessary." If the payment of the money is to be postponed the work to be done with that money will be postponed, but the seventy-one million dollars we are going to give for relief will not last out the anticipated time.

Every one of these bills you are passing will in a way defeat the very object for which we have gathered here, —and it seems to me these trying times we should be a little more careful of what we are doing. It probably would be very funny, if it were not tragic, and I am constrained to say to this Senate so far as the newspapermen are concerned they might as well go home; we are not talking to the newspapers, because the newspapers are not interested in what is going on in Pennsylvania now and no matter what they send back to their papers when you take up a paper ninety per cent of the paper will deal with facts concerning the tragedy in Europe. But we are concerned, Mr. President. We are told that nothing will interfere with the work of the departments, but I think we should understand what is going on here will embarrass all of us, and the only way I can see we can keep up a democracy is by proving a democracy will work, but democracy does not seem to me to be working here in this session as a democracy. This session seems to me to be working purely and plainly as a political group gathered and working, the one side contesting with the other, one side having a majority of votes and making up its mind to carry out its program irrespective of the effect upon the community, and I think we will all rue the day that happened and I hope the record will be here to show none of us properly, gave the consideration this situation properly merits.

## QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I would like to know what we are voting on.

The PRESIDENT. On an amendment presented by the Senator from Fayette, Mr. Cavalcante.

Mr. OWLETT. Mr. President, I ask that the Senate vote it down.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—19

| | | | |
|---|---|---|---|
| Cavalcante, | Haluska, | McCreesh, | Ruth, |
| Dando, | Jacobs, | McGinnis, | Shapiro, |
| Dent, | Jaspan, | Mundy, | Sipe, |
| DiSilvestro, | Kunkel, | Reed, | Stiefel, |
| Frey, | Lanius, | Rice, | |

NAYS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrick, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

So the question was determined in the negative.

## MOTION TO DROP BILL FROM CALENDAR

Mr. CAVALCANTE. Mr. President, I move that this bill be dropped from the calendar for following reasons:

First. It increases the borrowing power beyond the constitutional limitation.

Second. It is a diversion of revenue to a purpose other than the purpose for which it was levied.

Mr. SHAPIRO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—16

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | Lanius, | Rice, |
| Dando, | Haluska, | McCreesh, | Ruth, |
| DiSilvestro, | Jacobs, | McGinnis, | Shapiro, |
| Frey, | Kunkel, | Mundy, | Sipe, |

NAYS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrick, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. SHAPIRO. Mr. President, this bill, together with Senate Bill No. 9, takes away a certain amount of money from the Department of Property and Supplies. This bill No. 7 is $190,000; bill No. 9 is $1,382,000. Both bills read that this money shall be taken away.

Mr. OWLETT. Mr. President, I think the Senator is not talking on the bill before him, the Senator is discussing the wrong bill. This is on the motion to drop Senate Bill No. 6 from the calendar, and the vote has just been announced.

And the question recurring,

Will the Senate agree to the bill on second reading?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrick, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

NAYS—16

| | | | |
|---|---|---|---|
| Cavalcante, | Haluska, | McCreesh, | Rice, |
| DiSilvestro, | Jacobs, | McGinnis, | Ruth, |
| Frey, | Jaspan, | Mundy, | Shapiro, |
| Gilson, | Lanius, | Reed, | Stiefel, |

So the question was determined in the affirmative.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

## BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 10, (House Bill No. 7), entitled:

An Act to amend the act, approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-three), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by the Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill takes away from the Department of Property and Supplies $190,000 and House Bill No. 9 takes $1,382,000 away from the Department of Property and Supplies. That money was to be used to pay rentals and amortization of bonds—rather paying rental on buildings constructed by the State Authority and that rental is supposed to be an amount equal to interest due on bonds issued by the State Authority plus the sinking fund requirements on those bonds. Now, if this money is taken away plus the $1,382,000 that was taken away under House Bill No. 9, which was also used for rentals, I wonder if anyone has considered the effect the failure to have that money will have upon these bonds. The interest and sinking fund requirements must be met and I wonder if any consideration has been given to that.

May I interrogate the gentleman from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Tioga tell us what will happen in this situation?

Mr. OWLETT. Mr. President, the question is so involved I am not sure I understand just what the Senator wants to know, but until a building is accepted by the state the rent does not begin to run. The State Authority, as I understand it, did not complete some of these buildings in time, so it was not necessary for the state to pay the rent. They were not required to pay the rent until the buildings were turned over to the Commonwealth and this is a saving of rent and other charges anticipated as necessary in the last session, and which are now found to be unnecessary.

Does that answer the Senator's question?

Mr. SHAPIRO. Mr. President, do I understand the Senator to say this money is not money which would otherwise be used and must be used for the payment of interest on bonds securing the obligations of the General Authority.

Mr. OWLETT. That is correct, Mr. President. The money is just sitting there unused.

Mr. WOODWARD. Mr. President, may I interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will; it is always a pleasure to be interrogated by the Senator from Germantown.

Mr. WOODWARD. Mr. President, is it not true that the Commonwealth of Pennsylvania and the General State Authority are separate entities?

Mr. SHAPIRO. Mr. President, that is correct.

Mr. WOODWARD. And therefore, Mr. President, there is no moral obligation involved on the part of the Commonwealth?

Mr. SHAPIRO. No, Mr. President, there is no moral obligation involved on the part of the Commonwealth, but there is an obligation to this extent; if the bonds are secured on separate buildings or separate projects, and I am sure they must be if the interest was not paid the project could be taken away by foreclosure and State College or any other organization, that had its property foreclosed would not be permitted to have the use of those properties if the bonds are foreclosed. Of course, if we have the assurance, and know what we are talking about, there is no danger, but for that reason I bring the matter up; but I am not sure.

Mr. OWLETT. I think we do, Mr. President.

Mr. SHAPIRO. Mr. President, I understand there is no necessity for a roll call on this bill.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 11, (House Bill No. 8), entitled:

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 12, (House Bill No. 9), entitled:

An Act to amend the act, approved the ninth day of June, one thousand nine hundred thirty-nine (appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 13, (House Bill No. 10), entitled:

An Act to amend certain appropriation items contained in section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 14, (House Bill No. 11), entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled May sixth, one thousand nine hundred forty, in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth, one thousand nine hundred forty.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 15, (House Bill No. 12), entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 16, (House Bill No. 13), entitled:

An Act to amend clause (u) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by redefining, for certain purposes of the act, the term "wages."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 17, (House Bill No. 14), entitled:

An Act to amend paragraph (a) of and to add a new paragraph (1) to section two thousand four hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointmen of certain administrative officers and of all deputies and other assistants employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and providing that such civil service employes of the board as are necessary for the cleaning care preservation and protection of such building and the furnishings records and others matters therein and the operation of its mechanical plants shall perform their duties under the supervision of the Department of Property and Supplies.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I was told in committee, when I made some comment on this bill, that this bill was going to be corrected. I notice my Printer's No. 18 on this bill carries the bill in the same form in which it came over from the House. I understand, soto voce, the gentleman from Tioga says the bill is going to be corrected.

Mr. OWLETT. Mr. President, there is a printer's error in this bill. I have an amendment here for it now.

Mr. SHAPIRO. Mr. President, will the gentleman from Tioga tell us what the amendments are because possibly we are not talking about the same thing. What are the proposed amendments?

Mr. OWLETT. Mr. President, House Bill No. 14. printer's No. 18, reads at present "And to add a new paragraph, (1)" and it should read "Paragraph L." That is the only amendment.

Mr. SHAPIRO. Mr. President, what is the purpose of the amendment?

Mr. OWLETT. To make it refer, Mr. President, to the proper paragraph of the act.

Mr. SHAPIRO. Mr. President, I am now reading from page 2 of the title, the House amendment, "and providing that such civil service employes of the board as are necessary for the cleaning, care, preservation, and protection of such building and the furnishings, records, and other matters therein and the operation of its mechanical plants shall perform their duties under the supervision of the Department of Property and Supplies." That is the title.

When you come to the amendment to put that title into the bill, it reads: "To supervise the work of employes of the Pennsylvania Liquor Control Board who are employed by the board, for the cleaning, care preservation, and in protection of the Northwest Office Building," and so forth. It says nothing about civil service employes but covers all employes of the board whether they be civil service or not. Now, of course, there is conflict between the bill and the purpose as designated in the title.

Mr. OWLETT. Mr. President, for the information of the Senator I desire to point out that all the employes of the Pennsylvania Liquor Control Board are under civil service. This act puts their supervision under the Department of Property and Supplies, as they are under all other buildings, that is, building employes, it does not change the civil service provisions in the least. Since all employes of the board are under civil service, I think the Senator's point is not well taken. However, this bill will be before the committee and if the objection is well taken it can be considered then.

Mr. SHAPIRO. Mr. President, may I interrogate the gentleman from Tioga further?

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated further?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, is it intended that the Department of Property and Supplies shall pay these employes, or the Liquor Control Board?

Mr. OWLETT. Mr. President, it is not. The Liquor Control Board pays them and hires them under civil service.

Mr. SHAPIRO. And, Mr. President, the legislation before this Senate is drawn to that effect?

Mr. OWLETT. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, I suggest to the gentlemen that they take another look at it.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 18, (House Bill No. 15), entitled:

An Act to amend section six hundred twenty-eight of the act, approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws. one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

And said bill having been read at length the second time,

On question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill, I understand, is intended to provide for a situation which the President of this Senate referred to recently.

The PRESIDENT. The Senator is correct.

Mr. SHAPIRO. Mr. President, I would like to ask the Senator from Tioga if he would not tell me whether it is not his purpose, or the purpose of this bill, to make mandatory the holding of that election by the Lieutenant Governor when the situation provided for arises.

The PRESIDENT. That is correct.

Mr. SHAPIRO. Mr. President, the bill does not do that. Mr. President, as I read the bill last week it does not do that. This bill provides on the last page "That should the Governor, after the issuance of the said writ of election, advise the presiding officer that the general assembly will be called into Extraordinary Session prior to the date set for such special election, the presiding officer may countermand the writ theretofore issued and issue a new writ of election, fixing therein such earlier date therefor as it deemed expedient."

Now it is my understanding that this gives the power to the presiding officer to countermand or not as he sees fit, and after he countermands he does not have to fix a time for the election but he may, and I was wondering whether or not the committee will consider an amendment to the effect if he does countermand he shall fix an election, because, as this is voided, the presiding officer has the right to countermand but no obligation after he countermands, to call an election. Some other time we may not be so fortunate, and the presiding officer may be a Democrat next time, and the rule may work both ways. I think we ought to amend this bill to read that he shall call an election.

Mr. OWLETT. Mr. President, the Senator from Philadelphia, Mr. Shapiro, is on the committee.

Mr. SHAPIRO. Mr. President, I am told the committee will consider it.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 19, (House Bill No. 16), entitled:

An Act to further amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board", by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, it has been said this amendment is necessary for the purpose of making this law conform to the federal act. Now, this is the first time I have seen in our act dealing with dependent children the use of the word needy. Now Mr. President, I am certain the federal act does use the words needy children, and I know our act did not up until now; and I am wondering who is going to determine who is a needy child and what is the basis of that need.

This bill has the added effect and advantage of increasing the age of children entitled to assistance from sixteen to eighteen, for in that instance the child is attending school, but the use of the word needy which appears on page 3, line 4, is used without any definite standard as to what it means. What is the measure of the need? A dependent child is defined as any needy child under the age of sixteen. The prior law was any child under the age of sixteen.

Is this question of need going to be determined by regulation of the department; is it going to be determined by any measure? There is nothing in the act as it now stands to take care of that situation. It seems to me there ought to be some amendment to this act to decide who shall determine need and upon what basis a person shall be deemed to be a needy child. To pass this bill in its present state leaves the matter open, in my opinion. I should like to vote for the bill, but in its present state I shall not be able to vote for it.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 20, (House Bill No. 22), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and from a point at or near Irwin in Westmoreland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of Ohio and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting

such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I offer the following amendment and move for its immediate adoption.

Amend, Section 10, page 14, line 4, by inserting after the word commission and before the word If the following: "providing all outstanding damage claims arising out of former taking of land have been fully paid."

Mr. HALUSKA. Mr. President, I second the motion.

Mr. OWLETT. Mr. President, roll call.

Mr. DENT. Mr. President, before a vote is taken I would like to tell the Senate what the amendment intends to do. I know the signal is on to rush through the line without interference but somehow or other I can not let the opportunity pass without telling the Senators what is on my mind.

The Turnpike Commission of course is building a beautiful highway, but in so doing they have taken a lot of property belonging to private citizens in Pennsylvania, and to date they have not made any agreements to pay any of the damages that have been created. Many of the farmers in my district have had their farms cut right in half, some have had their homes torn down, others have had their barns destroyed, and they have no way in which they can make a livelihood this summer.

I know the bill provides for bonds to be set up in order to take care of the damages, but let me give you one or two specific cases, and tell you how this thing is working out in practice. One particular farm was completely and totally damaged and the Turnpike Commission admitted as much and set up bonds in the sum of fifteen thousand dollars to take care of that. Viewers came in and set the figure at twelve thousand five hundred dollars and agreement between allowance for the damaged person and the attorney for the Turnpike Commission they agreed on a figure of eleven thousand five hundred dollars. Then the Turnpike Commission called in the viewers and told them to revise their figures and offer ten thousand dollars.

Now, Mr. President, I do not know whether you men realize it or not, but there are one hundred and eighty-two farmers in Westmoreland County whose properties have been damaged, and out of the hundred and eighty-two at least a hundred of them have no way to earn a livelihood this summer, their farms have been destroyed.

Now, Mr. President, it is proposed to build another piece of turnpike from Cumberland County on down to Philadelphia, going through the richest farming section in the State of Pennsylvania—in fact in the world. I don't know whether you men realize it or not, but this particular commission after we leave here can do as it pleases. If they run out of money what good are bonds that have to be put in escrow, and I say before they turn one spadefull of ground they should make some arrangements to pay the damages on the turnpike they have already built.

No man in this Senate fought harder to have the Turnpike Commission created than I did, and no one will fight any harder to have it destroyed if they do not do what is right. Mr. President, this amendment only sets forth that before they can start construction on the new turnpike they have got to make some arrangement to take care of the damages on the old turnpike. I know your votes count, and I know exactly what you are going to do, but nevertheless I want some of the rural senators to know that they are doing a great harm to a great many deserving citizens that are already damaged by the Turnpike Commission's work; and I ask you to vote in favor of this amendment.

Mr. WOODWARD. Mr. President, the Senator from Westmoreland can have my vote on this amendment. I will vote for any amendment which will make more difficult the passage of this bill. I will go so far as to support the Senator from Fayette in dropping one of his bombs from the air and striking this bill from the calendar.

This Turnpike Commission, as you know, is building a super highway in what are supposed to be inferior counties, possibly in an agricultural sense. It is called a super highway because it goes through so many tunnels, and also it is a memorial to Warren Van Dyke, I believe, but when it comes east of Harrisburg I am opposed to the extension of this highway. It might be called a superfluous highway rather than a super highway, I think, and I base my objection on the principle of possible political expediency because I can visualize a Republican speaker in a Republican mass meeting lambasting the New Deal and especially the New Deal's furnishing subsidies, something for nothing. There is no forty-five—fifty-five, fifty-fifty or anything of that kind, it is a hundred per cent subsidy. As I say, I can visualize a Republican speaking against the New Deal and some heckler in the audience brings up this special subsidy for the super highway saying, how about this subsidy of fifty million dollars for a super highway east of Harrisburg, and I think the Republican speaker will be out on a limb.

And therefore, both from political expediency and from principle I propose to vote against House Bill No. 22.

Mr. OWLETT. Mr. President, may I suggest to the Senate the object the Senator from Westmoreland seeks to attain I think everybody is in sympathy with, and nobody condones the failure to pay those farmers the damages he has mentioned. This bill is going back to committee for study and consideration of all the amendments, Mr. President, and I suggest that this amendment be dropped here on this floor, and if after study of this bill in committee—the senators from districts through which this road goes are working on it now, and if they decide that there is anything that should be changed, it can be changed in committee.

I therefore ask the Senator from Westmoreland to withdraw his amendment now, put the bill back in committee, and the Senator may submit his amendment to the committee with the amendments of the Senators that are interested, and I think the bill will in that way, be saved, and you may lose it entirely otherwise. I am not holding any brief for the bill.

Mr. DENT. Mr. President, in 1939 I had a resolution here about bonds and the gentleman made the same request as is made now, and I granted the request. Later

another resolution came out and mine was buried in committee—not that it matters particularly, but it was buried—and this other resolution was given the right of way. When we ended up at the end of the session what I tried to do was not done; they still made the poor relief recipients sign the bonds. So, therefore, I am going to insist on my amendment here on the floor, where I can see what is happening to it. The Senator from Fayette has spoken about fifth columns, but I am more afraid of a Trojan horse.

Mr. SHAPIRO. Mr. President, I think this is an excellent amendment, and I think it should recommend itself to the favorable consideration of the other side. I am amazed to see this bill before us in this form, because I thought the only purpose was that the road should be extended from Harrisburg to Philadelphia. Well, all I thought you needed to do was to amend the section which deals with the extended distance, the location points of the road, and add a section allowing issuance of bonds to cover the cost.

Instead of that I find we have a bill which incorporates almost every feature and every section of the old bill, making certain changes, and adding this significant paragraph: "That all acts or parts of acts inconsistent herewith are hereby repealed." Now, what effect that has on the existing act I do not know, and I do not want to give snap judgment on it, but when I find that this same commission which wants to build another road is not paying the people for damages on the first road I do not think that we should let that go on, because, as has been pointed out we have no control over their actions, that is not a governmental function, they are not under governmental supervision, they are simply a law unto themselves.

Let me show you what this bill does, which the other bill did not do. The other bill said they could take property where necessary for governmental or welfare purposes. I am willing to concede there should be the right of condemnation where necessary, but why add the words "or convenient," so that they can take property or acquire lands where they deem necessary or convenient in such constructions, and since they cannot pay the bills already contracted, or will not pay them, why add not only the right to take property but rights of way —if somebody has a right away over the ground they will have to pay him for it—and why is it necessary to add, in four or five places, the words "legal expenses" and why was it necessary, when this bill was drawn, to change the provisions of clause B, page 5, which provides that the monies paid out for legal expenses, and all other monies in this connection, shall be paid out by the Department of Property and Supplies? This bill makes it paid out by the Authority and not by the Department of Property and Supplies. When you read that section, obviously somebody who is going to draw the bonds and prepare the bonds and issue the bonds will be entitled to receive such legal expenses in connection with the construction of the turnpike and shall be reimbursed and paid out of the proceeds of the revenue bonds heretofore authorized.

I do not care when you pay it or how you pay it, we, the peple, are going to pay, because we pay in tolls; and the road does not become free until we have paid in full.

Here is added expense or legal expense that appears five times in this one paragraph. They have included legal expense and instead of paying the money out through the Department of Property and Supplies where we have some checks on this money it is to be paid out by the commission.

I have read the bill through and tried to compare it with the old act, and what they have done is, that they have taken sections of the old act and jumbled them up—they are all in this new act with the exception of the change to the particular one that lets them take rights of way, and not only necessary property but property which is convenient and lets them take connecting roads, which they did not have the right to take under the old bill; and before we know it we will have a system of roads, under the system to be put through, that will probably cost us twice as much in the end.

This is too important legislation to us to pass on second reading and then discuss in committee.

If the gentleman from Tioga will say it will not pass second reading and will come out on second reading again, then I shall be glad to comply with the request; but in view of the fact that I suspect the situation drawn in the language it is, I am opposed to it passing second reading—it being done the long way when it could have been done in a short way—and the only way you can get rid of my opposition is by exercising the right of using the twenty-seven votes you have, but that will not change the facts as I see them in this bill.

Mr. McGINNIS. Mr. President, I think this bill should go to committee for amendment or correction. I say it should not be amended on this floor. A matter so important should not be amended here where we do not have the time to look into the provisions or the effect.

I am not worrying about the one hundred and eighty farmers complaining about not getting their money. I never knew of a highway going through and taking property without the farmers complaining, and without the property doubling in value—they are never satisfied. That is human nature and they are always complaining about property damages.

Mr. President the other bill provided an orderly and proper way to get damages for the farmer. If a farmer asked what he should have he ought not to be paid, and I believe this Senate ought not to enforce on the Authority to pay any amount more than a fair damage; and this matter is of such importance that it ought to go into committee and be amended there.

Mr. DENT. Mr. President, in spite of what my colleague from Allegheny says I still insist on the amendment being voted on here on the floor of this Senate.

It may be interesting to the Senate to know there were two instances in my county where the farmers built fences across the turnpike right of way and I want to say to this Senate that unless some action is taken by the Turnpike Commission and unless the Senate expresses its opinion and desires in this matter I am afraid there will be one hundred and eighty-two fences across the turnpike right of way in Westmoreland County.

Gentlemen, you cannot take a man's farm from him, you can not take his livelihood away from him, and say to him, you are asking too much money for your farm.

Some of these farms date from way back. Some of these farmers have been on these farms and their fathers and grandfathers before them, and now they are dispossessed and must leave and they have no homes for

themselves and their children, and they are given no new money to start a new home. I know one family which had to move out they do not have anything and can not get any money and do not know where to go or what to do.

Mr. President, I say we should express our opinion in this month and say frankly to the Turnpike Commission you have a just debt, don't worry about paying the contractors so much, pay these farmers, they must live and their families must live.

Mr. President, as far as the farmers asking two or three times as much as the land is worth, is concerned who knows what the land is worth? The only thing that has any worth is land, and to that farmer that is the one thing in the world to him and no amount of money can compensate him for taking away his land.

Mr. OWLETT. Mr. President, I agree with the Senator from Westmoreland with reference to this situation.

Mr. President, I take it this is the situation with reference to this bill. This bill has not a chance to pass the way it is now or the way it would be with the amendment the Senator from Westmoreland has offered, should they be adopted, because of the other provisions which many of the Republicans object to.

We must remember, Mr. President, in the first place this is not a partisan matter. The commission itself is a Democratically controlled commission, the present one that is doing the work.

My only thought in asking that this bill pass second reading was this: I do not believe any amendments can be made ready today to get this bill back so it will be ready for second reading tomorrow, if it does not pass today. If you do not and we should adjourn Thursday night the bill will not pass at all. That is why, Mr. President, I think this bill should pass second reading as it is and then go back to committee, and then if everybody's objections can be met it can be passed and if they can not be met it will die in committee, but if this bill does not pass second reading today I know we are never going to get any amendments that will be satisfactory to the members of this Senate and to the representatives from these southeastern counties ready to be offered tomorrow; and then it could not come up for second reading until Thursday and then you would not have this bill passed at all, it would die entirely.

Now, Mr. President, that is why I suggested that it pass second reading today and then go to committee. We can there consider all these amendments and by tomorrow bring the bill out, if we get it out at all, so that it can pass Thursday; otherwise it could not be passed on Thursday; and I think, Mr. President, we should pass it.

Mr. DENT. Mr. President, may I say maybe I am in different circumstances than the rest of the Senators, but when I was elected I was elected for a full four year term; my term does not end Thursday. It may end in December, but that depends on the voters and what the voters think about it, but at the present time I am still elected, up until December, and if I have to come back next week to see that justice is done, or the week afterward, I will be here.

Mr. President, there is nothing tremendously important to compel me to leave here Thursday night. I do not have a thing to do on Thursday or Friday and I can come back as long as the state needs me.

Mr. President, I want to bring out one objection to this turnpike. This is not an ordinary highway. On ordinary highway construction if a road goes through a man's farm he can put up a sign and say go slow, it is a cattle trail, cattle cross-over, and his cows can walk nonchalantly across the road. But, Mr. President, on this turnpike he can not do that, he has got to cross two or three farms to get his cows across that road.

Mr. President, these gentlemen do not realize the hardship this has created. The damages are legitimate and this turnpike commission should not be allowed to turn a spadefull of ground until they have met the obligations incurred in the present turnpike.

As far as taking the bill back to committee is concerned, Mr. President, I am not on the committee. I was fooled once and I will not be fooled again. They should not be allowed to incur obligations and then not meet just obligations and that is what this turnpike commission has done.

Mr. OWLETT. Mr. President, I agree with the Senator from Westmoreland, Mr. Dent, but I am pointing out to him a solution of the situation.

Mr. CAVALCANTE. Mr. President, I would like to see the point of view of the gentleman from Tioga hold up, but I am afraid that he is not altogether clear in his position, nor is the gentleman from Allegheny, Mr. McGinnis.

This bill is on second reading now and if the amendment is made to it now and the bill sent back to committee, that committee can consider that bill in the amended form, and if that committee does not want the amendment in the bill, the committee can report the bill out with the amendments out, but to deprive us from voting on these amendments now will deprive the whole Senate from expressing their opinion upon whether these amendments should be in this bill or not.

If we allow this bill to have second reading now and refer it then to committee, then when it comes out from committee unamended and my colleague from Westmoreland wants to put his amendments into the bill, or offer the amendments, he will need unanimous consent or he will have to move to suspend the rules of this Senate.

Mr. President, I do not think the gentleman from Tioga here has honestly created here a situation so that the gentleman from Westmoreland may have a proper consideration of his amendment at the hands of the Senate, but I sort of cater to the belief the gentleman from Tioga is putting out a smoke screen to prevent that amendment from being considered either on the floor of this Senate or in committee.

Mr. SIPE. Mr. President, I was started and I was sorry to hear the Senator from Allegheny, Mr. McGinnis, tell us how mercenary the farmer is. I do not subscribe to that doctrine and I believe that while the Senator from Allegheny, Mr. McGinnis, was actually born on a farm he does not know much about farm property; I even doubt whether he would recognize a farmer if he would see one.

Mr. OWLETT. Mr. President, will the Senator from Armstrong, Mr. Sipe, permit me to interrupt him?

Mr. SIPE. Mr. President, I am protecting the farmer.

Mr. OWLETT. Mr. President, I only want to move that this bill go over in its order until after recess.

Mr. SIPE. Mr. President, I am not going to make a speech. I am going to make one more remark, and then

you can do whatever you want with the bill, because that is what you will do with it anyway.

Mr. President, I merely want to say that the fight that is being put up against the amendment offered by the Senator from Westmoreland is merely typical of the James Administration in its attitude toward the great farming industry and the great farming population of this state—they do not count, if anybody has to take a back seat let the farmer do it, let him wait, let him wait until all he has got is the grave.

Mr. OWLETT. Mr. President, the Senator from Armstrong might be surprised to know how many of us would vote nay on this bill.

Mr. DENT. Mr. President, I am willing to let the bill go to vote. I will withdraw my motion if the bill remains on the calendar.

## BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I move that Senate Bill No. 20, or House Bill No. 22, second reading go over in its order.

Mr. GELDER. I second the motion, Mr. President.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER. Mr. President, I think it is only fair to suggest that it is not the James Administration but that it is the turnpike administration that has not been paying the farmers, and perhaps the chairman of that Turnpike Commission was so busy prior to the primary he could not think about what the farmer is entitled to out in the various parts of the state.

Mr. SIPE. Mr. President, I merely want to say the James Administration is ramming this bill through the Senate.

Mr. DENT. Mr. President, I merely want to say I am glad this is not a political session.

Mr. SHAPIRO. Mr. President, those of us who were foolish enough not to send out for lunch did not have any lunch and I should like to inquire of the Chair if there is any reason why we should be deprived of dinner; and then we could all have a chance after dinner to resume at a reasonable hour.

Mr. OWLETT. Mr. President, as I understand it the finance committee will meet as soon as they get a bite of lunch and be ready at least to report a part if not all of these bills back, with such amendments as the committee may recommend.

Mr. President, my thought was that if we came back here at six o'clock daylight saving time we could report out these bills and adjourn by six thirty o'clock until tomorrow noon.

## BILLS RECOMMITTED

Mr. OWLETT. Mr. President, I move that Senate Bills Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, inclusive that were just read, be recommitted to the Committee on Finance, for the purpose of further study.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

## QUESTION OF INFORMATION

Mr. SHAPIRO. Mr. President, I rise to a question of information.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of information.

Mr. SHAPIRO. Mr. President, the committee can not consider the turnpike bill if it is not before them. It is on the calendar.

Mr. OWLETT. That is correct, Mr. President. We left it on the calendar in order that it might be amended on the floor.

Mr. SHAPIRO. Mr. President, it can only be considered in committee informally; the committee may not act on amendments on the bill now before it.

Mr. OWLETT. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, I just wanted to have that clearly understood.

## RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess until 7:00 o'clock, p. m., E. S. T.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

## RESOLUTION CALLED UP FROM TABLE

Mr. DENT. Mr. President, I call up at this time resolution introduced by myself relative to the Turnpike Commission which was laid on the table.

Mr. OWLETT. Mr. President, I should like to have the clerk read the resolution.

The Clerk read the resolution as follows:

### RESOLUTION URGING COMPENSATION FOR LANDS DAMAGED

In the Senate, May 13, 1940.

The construction of the Super Highway between Middlesex, Cumberland County, and Irwin, Westmoreland County, has necessitated the taking of many acres of private lands belonging to citizens of the Commonwealth.

Although many months have elapsed since such taking, in many cases no payment has been made to the former owner for the loss suffered. Deprived of land which was the sources of his former income, upon which he depended for the means to support himself and family, such owner is now faced with the loss of that income and has not been compensated in any way for the property taken.

This situation has resulted in great hardship to many who heretofore have had little trouble in keeping themselves financially independent, but are now unable to meet pressing financial claims against them.

As the Turnpike Commission is easily able to raise the funds necessary to pay these claims and the former property owners are so greatly in need of prompt settlement; therefore be it

Resolved, By the Senate of the Commonwealth of Pennsylvania, That the further deferment of payment of moneys due former property owners for land taken by the Turnpike Commission in the construction of the Super Highway is not only unnecessary, but is wholly unjustifiable, will tend to cause further trouble and misunderstanding, and may have its effect upon proceedings incident to the extension of the said highway to Philadelphia; and be it further

Resolved, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Chairman of the Pennsylvania Turnpike Commission.

### SUSPENSION OF RULE 39

Mr. DENT. Mr. President, I ask unanimous consent

that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

Mr. McGINNIS. Mr. President, I would like to know what this resolution means.

Mr. President, it all depends on what the farmers are asking for damages. I know they are not bashful about asking for damages and if they are asking two prices for damages from the Authority or the Commission they ought not to be settled. They ought to get a fair price; they ought to get full damages.

Mr. President, I do not think the farmers along this turnpike are suffering any more than farmers along any other highway ever built in Pennsylvania. There is a legal way of settling these claims. I do not think a county or a state or a city or an authority should pay what is asked. If they are asked too much there is a legal method of ascertaining those property damages and I am sure that those farmers have got that right.

Mr. President, if there is an undue delay, if there is something wrong with the machinery, this resolution is all right, but I do not know enough about it, there is no information here to tell any of us whether they have done it speedily or whether they have been slow in the settlements or whether they have been unfair.

Mr. WOODWARD. Mr. President, I expect to vote for this resolution with great pleasure because I think it is right and also because I am prejudiced against the turnpike and the General State Authority, because I think it violates a fundamental principle in our democracy.

Mr. President, whenever we are tempted into the creation of commissions like this and we give them all kinds of power, including eminent domain, this is a beautiful example of how much trouble we get into, and the moral is to keep our own hands on the strings and not delegate powers to these outside commissions.

Mr. President, I shall cheerfully vote for this resolution.

Mr. DENT. Mr. President, in order to enlighten the Senator from Allegheny, Mr. McGinnis, I want to state that the Turnpike Commission has not settled any damage suits whatsoever. There have been viewers appointed and they have given estimates and awards but they have refused to pay any damages whatsoever. If there is no undue delay then I say the resolution is not necessary. However, to a city bred Senator probably all land looks alike and he does not understand a farmer may value his land above some viewer who comes from the City of Pittsburgh and who has never had any more land than his feet could stand on, but I want to say to my friend the Senator from Allegheny, Mr. McGinnis, that like attorneys farmers have double prices. I know one attorney that only charges one hundred dollars to secure a divorce and I know another attorney that charges five thousand dollars.

However, Mr. President, some farms are worth more than others. That has nothing to do with the resolution. Mr. President, all we ask here is that the Turnpike Commission expedite matters and pay the farmers the money that is due them. That is all we ask of them.

Mr. JAMES. Mr. President, I should like to interrogate the Senator from Westmoreland, Mr. Dent.

The PRESIDENT. Will the Senator from Westmoreland permit himself to be interrogated?

Mr. DENT. Gladly, Mr. President.

Mr. JAMES. Mr. President, may I inquire whether this resolution embraces claims which have not been reduced to judgment.

Mr. DENT. Mr. President, this resolution only asks the Turnpike Commission to expedite the settlement of damage claims.

Mr. JAMES. Does it, however, Mr. President, include claims that have been presented and are still unliquidated.

Mr. DENT. Oh, yes.

Mr. McGINNIS. Mr. President, I think we are acting on something here we know nothing about.

Mr. President, I think we ought to find out from the chairman of the Authority if any claims have been settled or if they have not and what the delay has been or why there has been a delay. There may have been a very justifiable cause for delay, and for this Senate to pass upon an important question like this without knowing the facts I do not think it wise.

Mr. President, I rather doubt the statement of the Senator from Westmoreland that no claims have been settled. It is my opinion that a lot of claims have been settled. Of course you cannot settle all of them, because if they ask two or three prices for their damages they ought not to be settled, but the point I want to make is we do not know.

Mr. President, I would not object to a hundred farmers coming down here to Harrisburg and filing petitions and wanting all their money at once—perhaps some of them should have their money now. I know nothing about the facts. I do not know what they have proved; I do not know what their damages are; I do not know whether there has been a delay. Maybe there has been speed in the settlement of these claims, for all I know.

Mr. President, I think we should call the chairman of the Authority to come here tomorrow and tell us something about the facts.

Mr. SHAPIRO. Mr. President, may I express my amazement at my colleague from Allegheny, Mr McGinnis? We have been busy here for four days passing legislation transferring thirty seven millions of dollars from the highway fund, eleven millions of dollars from the liquor control fund, two million three hundred thousand dollars from the fireman fund, seven million five hundred thousand dollars from the liquid fuel tax and none of us know any of the facts about that.

Mr. President, we do not know whether that money is there, we do not know whether governmental functions will be interfered with.

Two hundred fifty thousand taken away from this institution; $890,000 taken away from the welfare department. We do not know whether the functions of those departments are going to be interfered with; we do not know whether the waiting list in tubercular institutions is going to be increased and we are having all these bills passed and now the gentleman from Allegheny, Mr. McGinnis, wants to know something about whether what the gentleman from Westmoreland says is true regarding claims and whether they have been settled by the Turnpike Commission.

Mr. President, we have not sent for anyone from the

Turnpike Commission to find out whether that is true. It might be logical and sensible to send for those gentlemen and say, is this true, but we do not do those things, we are going to pass the resolution and we are going to vote for it.

Mr. McGINNIS. Mr. President, I always hate to disagree with the Senator from Philadelphia, Senator Woodward, but I disagree very forcibly with his idea that this turnpike is not a good thing. To my mind it is the most outstanding undertaking that was ever done in Pennsylvania.

I want to say to you that it has attracted the attention of the United States. Every other state that has come here and has seen this super highway as already constructed feels that it is one of the most outstanding constructions that was ever made in the United States, and I am going to claim credit for that partially for the Democratic party.

Mr. President, I heard the chairman of that Commission say the other day that this road was constructed because of Franklin D. Roosevelt and no other, the man whose courage, the man who has saved America, the man who has saved the United States and who has brought to Pennsylvania a super highway that goes through our mountains, levels down our hills, and as one man said the other day, here I think on the floor of this Senate, it will save truck drivers from other states twenty-six or twenty-seven dollars every time they make a trip in Pennsylvania.

It is just one of those things that show you when you have got a real leader in government, a man who has got a heart, a man who is concerned about the welfare of human beings.

This highway was not constructed just to look at. It is being built and finished in a few months to serve humanity, to serve human beings, and Mr. President, I resent this special session that anything should be done to throw any mud at it—even the settlement of claims—because I am sure as I stand in this Senate that a mathematical way has been provided for every farmer to get every dollar that is due him.

Mr. WOODWARD. Mr. President, I am delighted to disagree with my colleague from Allegheny County, Mr. McGinnis. I remember distinctly that Governor Earle went to Washington and called on President Roosevelt and told him about this highway, and the president said, well, George, how much money do you need; and George said, well, I think at the beginning about twenty millions of dollars; and so the president reached for his check book and wrote a check for twenty millions of dollars and handed it to George.

Mr. President, I objected to that because some of that money was my money that had gone to Washington and I do not like to see even the president of the United States spend my money so freely.

Of course, Mr. President, the Senator from Pittsburgh's position is that the super highway is a magnificent highway and advertises Pennsylvania and thousands of people are going to travel over it, especially truck drivers.

Mr. President, it may be a splendid thing but I state it is a wrong way of doing a good action; it is a bad way to do a good thing.

I am opposed to both the General State Authority and the Turnpike Commission because as I said a moment ago, I think it is against our system of government and it is not fair to go below the surface and see where the money comes from to build the super-highway.

Just as I said, Mr. President, it is a splendid advertisement, but it does not tell the whole story; and I am going to vote against anything to cripple both the General State Authority and the Turnpike Commission.

Mr. McGINNIS. Mr. President, I differ again very much with the Senator from Philadelphia, Mr. Woodward. I feel that dollars lying in banks do none of us any good. I think that was the trouble with Hoover, Harding, and Coolidge.

I think money is to be used, rather than have money rusting away in banks gathering dust and doing nobody any good, when humanity can be so much served by the use of those dollars.

Mr. President, say what you may about the New Deal, I can see all around me in my state, in my city, and in my county, I can see the grandest results of dragging this money out of banks, tearing it out of banks, if necessary, where it is gathering dust, and putting it to the services of human souls.

In my City of Pittsburgh, Mr. President, for instance, I saw a hospital, the Allegheny General Hospital, that had been idle for four years. Big business had done a good job, they had built this big hospital and then big business fell down, and I saw that grand hospital rusting there for four years, and then I saw the Democratic Administration from Washington come and through a P.W.A. project complete that hospital, and today it is the finest hospital to my mind in the United States, and every room is filled with some poor suffering soul.

Mr. President, in the north side of Pittsburgh we had the old Allegheny Commons, a park that under Hoover, Coolidge and Harding became so disreputable that it was just a place for bums to sleep, with papers to cover them, and today, after W.P.A. has gone ahead it is the most beautiful park that you ever laid your eyes on.

Mr. President, the old Allegheny Market was a disgrace to the City of Pittsburgh and then P.W.A. comes along with the cooperation of our city and today we have the finest market in the United States, the Allegheny market.

Just across the street from the Allegheny Market, Mr. President, as a result of the rebuilding of this market, the Buhl Foundation has come along and has built us a beautiful planetarium, and let me say to you, Mr. President, and to the people here in this part of the state, if you ever come to Pittsburgh do not miss visiting the planetarium. You can get in for twenty-five cents and you can sit for an hour and see the most beautiful show that you ever saw in the United States of America, seeing the stars and the planets.

Mr. President, you can see the stars and the planets as they were a thousand years ago or as they will be in the next ten thousand years by only the turn of a button.

Mr. President, just across the street the Carnegie Library was a dirty block on the outside and deteriorating on the inside, and P.W.A. has come along and has made that library look like new, and just across the street in the City of Pittsburgh they have renewed the park and, Mr. President, I could go on and tell you about those things, but you have got to come over the mountains and you know, coming over the mountains, looking at what the C.C.C. boys have done and the new highways built in our forests, where until then the wild beasts roamed and

nobody ever got in the center, today you can travel through the forests of Pennsylvania with good roads and see scenery there no human soul had seen for perhaps fifty years.

Today, Mr. President, all that is open to civilization and it is grand to travel through those forests and see deer come up and almost touch your automobile.

The Home Owners Loan has saved eighty-seven thousand homes. Mr. President, I do not know of a nicer thing or a grander thing than to save homes and when I figure the homes that have been saved and kept together by W.P.A., ah, how many in this room know neighbors whose homes have been kept together, just kept together, by W.P.A.—not so fancy, not so grand, but the family has been kept together, and so I could go on and on, Mr. Senator from Philadelphia, and show what good can be done if you drag this money out of banks.

Mr. DENT. Mr. President, the remarks of the Senator from Allegheny, Mr. McGinnis, strengthen my position. All I want to see my farmers get is the same kind of justice as he asks for the other people—they do not want to see stars or a planetarium, they want to see the Turnpike Commission's name on a damage check.

Although the R.F.C. has saved eight-seven thousand homes, Mr. President, all I ask the Turnpike Commission to do is save one hundred eighty-two homes, and if the Senator from Allegheny, does not quite believe what I have to say about those conditions I am going to give him now the names and addresses of all the men in my district who own lands on the turnpike who were damaged and desire that this resolution pass.

Mr. EDMONDS. Mr. President, I thought at first this discussion was going to be confined to the other side but since the Senator from Philadelphia, Mr. Woodward, has butted in I want to express my belief in connection with the statement of my colleague from Allegheny about the uselessness of keeping money dusty, and I imagine he had in mind that eighteen billions of dollars in gold at Fort Knox, doing nothing, just being there, and I think he can apply his principle with a great deal of strength about those who have accumulated that great mountain of gold. I think the Senator from Philadelphia has put this question on the right plane, in order to do a magnificient piece of work it is not necessary to violate a moral law. There are people along this turnpike whose property has been taken away and in some manner they do not seem to be considered and they do not seem to have been started on the way of getting just compensation.

Mr. President, let me tell you a story I used to tell my classes many years ago. King William the conqueror took some of the lands of one of his vassals in Normandie and there he built a magnificent abbey, and he told his children it was there he wanted to be buried, and when he died his son Henry took his body over to Normandie to be laid in that abbey, and the son of the nobleman he had robbed said I forbid this burial, this abbey was founded through wrong and there has been no compensation by the wrongdoer to those who suffered, and do you know so strong was the spirit of justice among those ancient Normans that they would not allow that body to be placed in the grave until Prince Henry had bought the land.

Mr. President, we are now about ready to dedicate this turnpike and we do not want some of these farmers to stand up and say this turnpike has been founded on wrong and we who own the land have not been given the compensation that the law governing the construction of the turnpike guaranteed.

Mr. President, it seems to me that is wrong. I do not know anything about the reason why the Turnpike Commission has not settled those claims, but it is in Pennsylvania that we have founded our government upon the permanent principle that private property shall not be taken for public use without just compensation, and if this resolution of the Senator from Westmoreland will speed the day when compensation is given to those people, then I say we will have done a good work.

Mr. McGINNIS. Mr. President, the story about the eighteen billion dollars of gold as told by the Senator from Montgomery reminds me of another story, and that is this during the Harding, Coolidge and Hoover Administrations eighteen billion dollars worth of fake stock and bonds were sold to the American people. Every stenographer, every clerk, everybody who had a dollar was urged and inveigled into buying fake stocks and bonds any they lost every penny of that and so that is gone, and I would rather have the eighteen billions of dollars in solid gold planted some place in the United States; at least we have got that.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. EDMONDS. Gladly, Mr. President, with pleasure.

Mr. SHAPIRO. Mr. President, how much does the Turnpike Commission owe to those farmers?

Mr. EDMONDS. Mr. President, I have been told they have settled six cases and that the unsettled cases are in the hundreds.

Mr. SHAPIRO. And why, Mr. President, have they not been settled?

Mr. EDMONDS. That is what we do not know, Mr. President.

Mr. SHAPIRO. Mr. President, has the Senator from Montgomery interrogated anyone from the Turnpike Commission?

Mr. EDMONDS. Mr. President, we have inquired from the Turnpike Commission and they stated in the beginning the farmers asked excessive prices. We then wondered why the proceeding of law which provide for condemnation had not been put in operation and why they have been delayed so long. It is not fair to the man who gave up property a year and half ago and who has not yet been compensated.

Mr. SHAPIRO. Mr. President, does the Senator from Montgomery think members of the Turnpike Commission should be present at a hearing.

Mr. EDMONDS. Mr. President, I think they could very readily send over a reply to the resolution in which they could explain their position and their arrangement.

Mr. SHAPIRO. By that time, Mr. President, the bill would be either defeated or so amended that it would not be worth anything. Is that correct?

Mr. EDMONDS. Mr. President, I imagine it would be either one way or the other.

On the question,

Will the Senate agree to the resolution?

The yeas and nays were required by Mr. DENT and were as follows, viz:

YEAS—38

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Sipe, |
| Cavalcante, | Frey, | Letzler, | Snowden, |
| Chapman, | Fulton, | Mallery, | Stevenson, |
| Coleman, | Gelder, | McCreesh, | Stiefel, |
| Crowe, | Geltz, | Miller, | Tallman, |
| Dent, | Haluska, | Owlett, | Thomas, |
| DiSilvestro, | Heyburn, | Pierson, | Walker, |
| Ealy, | Homsher, | Reed, | Wolfenden, |
| Edmonds, | James, | Ruth, | Woodward, |
| Eroe, | Jaspan, | | |

NAYS—2

McGinnis, Shapiro,

So the question was determined in the affirmative.

## NOMINATIONS BY THE GOVERNOR

### NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

## REPORT FROM COMMITTEE

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

### NOMINATION FOR SUPERINTENDENT OF PUBLIC INSTRUCTION

Mr. EALY from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

The name of Francis B. Haas, Bloomsburg, Pennsylvania, who was nominated by the Governor of the Commonwealth as Superintendent of Public Instruction, to serve from August 23, 1939, for a term of four years.

ARTHUR H. JAMES.

## CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 14, 1940, by His Excellency, the Governor of the Commonwealth, together with the nomination just reported from Committee.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations for Notaries Public were read as follows:

### NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Fred C. Hugli, Jr., Ross Twp., Bellevue Road and Quaill Avenue, Bellevue.

Miss Dolores J. Morgan, 2020 W. Liberty Avenue, Pittsburgh.

Miss Esther A. Roeser, 418 Stratton Lane, Pittsburgh.

BERKS COUNTY

John I. Brown, Reading.

Frank A. Hoover, Reading.

DELAWARE COUNTY

W. J. Schabow, Upper Darby Twp., 240 Glendale Road, Upper Darby.

ELK COUNTY

Mrs. Louise M. Smith, Johnsonburg.

LANCASTER COUNTY

Walter L. Bomberger, Manheim.

William F. Brian, Mount Joy.

Samuel S. Wenger, Paradise Twp., R. D. 1, Paradise.

NORTHAMPTON COUNTY

Mrs. Helen Silfies, Bethlehem.

PHILADELPHIA COUNTY

Frederick H. Bickert, 1908 W. Girard Avenue, Philadelphia.

Norman A. Brenner, 5614 Germantown Avenue, Philadelphia.

Robert K. Burk, 308 North 40th Street, Philadelphia.

Miss Ethel G. Coen, 2113 Chestnut Street, Philadelphia.

Homer G. Connor, 38th and Jackson Sts., Philadelphia.

Charles R. Lepore, 12 South 12th Street, Philadelphia.

SOMERSET COUNTY

William R. Dougan, Somerset.

WARREN COUNTY

Miss Louise C. Edin, Sugar Grove.

WESTMORELAND COUNTY

J. Aber McGeary, Vandergrift.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

E. A. Bloch, 519 Water Street, Pittsburgh.

CAMBRIA COUNTY

George Minno, Johnstown.

CLEARFIELD COUNTY

Wm. Dewey Stott, Jr., Houtzdale.

ERIE COUNTY

Earl C. Snell, Erie.

NORTHUMBERLAND COUNTY

Miss Olive D. Kester, Sunbury.

WASHINGTON COUNTY

Mrs. Dorothy B. Lytle, Washington.

ARTHUR H. JAMES.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. MALLERY.

That Rule 38 which requires nomination made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nomination.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. MALLERY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Letzler, | Shapiro, |
| Cavalcante, | Frey, | Mallery, | Sipe, |
| Chapman, | Fulton, | McCreesh, | Snowden, |
| Coleman, | Gelder, | McGinnis, | Stevenson, |
| Crowe, | Geltz, | Miller, | Stiefel, |
| Deitrick, | Haluska, | Owlett, | Tallman, |
| Dent. | Heyburn, | Pierson, | Thomas, |
| DiSilvestro, | Homsher, | Reed, | Walker, |
| Ealy | James, | Ruth. | Wolfenden, |
| Edmonds, | Jaspan, | Scarlett, | Woodward, |
| Eroe. | Kephart, | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

The following nomination for Superintendent of Public Instruction was read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 14, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

The name of Francis B. Haas, Bloomsburg, Pennsylvania, who was nominated by the Governor of the Commonwealth as Superintendent of Public Instruction, to serve from August 23, 1939, for a term of four years.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. MALLERY,

That the Senate do advise and consent to said nomination.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Letzler, | Shapiro, |
| Cavalcante, | Frey, | Mallery, | Sipe, |
| Chapman, | Fulton, | McCreesh, | Snowden, |
| Coleman, | Gelder, | McGinnis, | Stevenson, |
| Crowe, | Geltz, | Miller, | Stiefel, |
| Deitrick, | Haluska, | Owlett, | Tallman, |
| Dent. | Heyburn, | Pierson, | Thomas, |
| DiSilvestro, | Homsher, | Reed, | Walker, |
| Ealy, | James, | Ruth, | Wolfenden, |
| Edmonds, | Jaspan, | Scarlett, | Woodward, |
| Eroe, | Kephart, | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

## QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, while we are still in Executive Session and considering nominations I should like to make a statement concerning nominations.

In 1939 there was presented by the then Governor Earle a list of appointments as members of the Boards of Trustees for the Philadelphia Hospital, then known as Byberry.

The appointments numbered among them such men as the Honorable William A. Schnader, former attorney general of Pennsylvania, Dr. William A. Kruzen, former Republican Director of Public Health, Dr. Bond, one of the outstanding psychiatrists of the country, myself, and several other, I would say considered, non-partisan persons, and I imagine it was as representative a group of Philadelphia citizens, outside of myself, as could have been appointed on such a commission for such a purpose.

Mr. President, exercising the right—which I did not deny him at the time—the Governor of this Commonwealth withdrew the names from the Senate's consideration, and that was more than a year, probably sixteen months ago, and since that time there has been no suggestion of appointment of members of the board of trustees.

As a member of that board appointed by the former governor I know that the director of welfare in Pennsylvania requested that this board should not act and that the governor intended to take action on it. Since that time no action has been taken.

Mr. President, I read the nominations that have been printed for the benefit of this Senate and I find there has been no appointment to the Board of Trustees of the Philadelphia General Hospital, and I should like to suggest also that I sent a communication to the governor many months ago, more than a year ago, suggesting that he had of course the right to change those appointments if he wanted to, but at the same time if ever there was a board appointed outside of political purposes that was one he ought to confirm, and do it promptly. I am obliged to say that I received no answer to that communication.

Mr. President, that hospital is a state institution under the law requiring functioning under the control of a Board of Trustees, and every dollar that has been spent on that hospital for the maintenance of that hospital has been illegally spent, since the last session, and there has been no action up to this time on the matter.

Every other institution has been taken care of, Mr. President, and I suggest that somebody bring to the attention of the Governor of this Commonwealth that he certainly has the right to do what he pleases about it, but something ought to be done about it.

## EXECUTIVE SESSION RISES

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

MOTION THAT SENATE BILL NO. 20, (H. B. NO. 22), BE CALLED UP

Mr. FULTON. Mr. President, I desire to call up for consideration Senate Bill No. 20, (House Bill No. 22), on page 5 of today's calendar, which was put over in its order.

Mr. SHAPIRO. I object, Mr. President.

Mr. OWLETT. Mr. President, the Senator from Allegheny, Mr. Fulton, has a right to call up the bill.

Mr. SHAPIRO. Mr. President, that is out of order and therefore I object. It can only be called up with unanimous consent of the Senate.

The PRESIDENT. The Chair so understands. The Senate is ready to take up the calendar.

Mr. CAVALCANTE. Mr. President, there is no calendar.

Mr. SHAPIRO. There is one bill.

The PRESIDENT. The bill went over in its order, if the Chair recalls rightly.

Mr. SHAPIRO. Mr. President, if we are going to take up the calendar at this time, the gentleman from Allegheny, Mr. Fulton, may call up the bill, but we are not as yet on the calendar, and I object.

The PRESIDENT. The Chair is not taking exception to the statement of the Senator from Philadelphia, Mr. Shapiro. The Chair is asking the pleasure of the Senate, whether the Senate now wants to take up consideration of the calendar.

Mr. SHAPIRO. Mr. President, I understood before the recess we were going to attend to two matters and then adjourn, and I suggest that in at least some respects we carry out our arrangements.

Mr. OWLETT. Mr. President, the Senate having acted on the calendar, and the bill called up by the Senator from Allegheny, Mr. Fulton, not having been acted on but having been put over in its order, I submit the Senator from Allegheny, Mr. Fulton, is entirely within his rights in calling up the bill at this time.

Mr. CAVALCANTE. Mr. President, the gentleman from Tioga, as usual, is wrong. The matter called up by the gentleman from Westmoreland, Mr. Dent, was the matter that was laid on the table and not put over in its order.

Mr. OWLETT. Mr. President, House Bill No. 22 was put over in its order this afternoon and it can be called up at any subsequent session which has been recessed, from the one on which the calendar was called.

Mr. SHAPIRO. Mr. President, if the gentleman is making rules, I suppose that is all right but I did not hear the calendar being called.

And bill, Mr. President, can be called up and can be called up only in its regular order, only when the Calendar is reached and such a bill can not be called up out of its order except by unanimous consent.

Now, Mr. President, if the gentleman from Tioga is going to call up the calendar for consideration then we will meet that situation when we come to it, but until the calendar has been called up a motion to call up a bill that went over in its order is not right and I object to it. To call up a bill that has gone over in its order, to call it up out of its order requires unanimous consent and I object to it.

POINT OF INFORMATION

Mr. FULTON. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Allegheny, Mr. Fulton, will state his point of information.

Mr. FULTON. Mr. President, is the Senate now ready to act on the Calendar?

The PRESIDENT. If the Senate so desires. That is what the Chair asked a few moments ago.

MOTION TO TAKE UP CALENDAR

Mr. FULTON. Mr. President, I move that the Senate do now proceed to consideration of the Calendar.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to speak on the motion.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, may proceed.

Mr. SHAPIRO. Mr. President, bills on the Calendar can only be taken up for the purpose of passage of those bills. Those bills have been read and have passed second reading and they are now in the hands of a committee. All of them, Mr. President.

The PRESIDENT. The remarks of the Senator from Philadelphia do not apply to this bill.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Mr. DENT. Mr. President, may I ask where my amendments are?

The PRESIDENT. They are right here.

Mr. DENT. Evidently they are in the hands of the Chief Clerk and are therefore pending. I do not have the amendments.

The PRESIDENT. The Senator from Westmoreland withdrew his amendments.

Mr. FULTON. Mr. President, I ask that the amendments I submitted be read.

The PRESIDENT. The Clerk will read the amendments submitted by the Senator from Allegheny, Mr. Fulton.

And the question recurring,

Will the Senate agree to dispense with going into the Committee of the Whole?

It was agreed to.

SENATE BILL NO. 20, (HOUSE BILL NO. 22), CALLED UP FOR CONSIDERATION

Mr. FULTON. Mr. President, I desire to call up at this time for consideration Senate Bill No. 20, (House Bill No. 22), from Page 5 of today's Calendar, which was put over in its order.

Mr. OWLETT. I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Fulton.

The PRESIDENT. Will the Senator from Allegheny, Mr. Fulton, permit himself to be interrogated?

Mr. FULTON. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the gentleman tell us what is the order of the bill on the Calendar?

Mr. FULTON. Mr. President, it is the one and only bill on the Calendar.

Mr. SHAPIRO. What is the order, Mr. President? Is it the first bill on the Calendar?

Mr. FULTON. Mr. President, it is on Page 5 of the Calendar.

Mr. SHAPIRO. Mr. President, I object to the bill being called up out of its order.

The PRESIDENT. For the information of the Senator from Philadelphia, it is the first and last bill on the Calendar; it is the only one.

Mr. SHAPIRO. Mr. President, I am sorry to disagree with the Chair, but as I look at my Calendar the first bill I see on the Calendar is not House Bill No. 22, but the first bill on the Calendar as I understand it, is House Bill No. 1, and therefore any bill subsequent to that must be taken up out of its order, and if the gentleman from Allegheny is calling up the bill out of its order, I object to it.

The PRESIDENT. To which bill is the Senator from Philadelphia referring?

Mr. SHAPIRO. Mr. President, to Senate Bill No. 20, (House Bill No. 22).

The PRESIDENT. The Chair understands all the other bills have been disposed of.

Mr. SHAPIRO. They are still on the Calendar, Mr. President.

The PRESIDENT. The point of the Senator from Philadelphia, Mr. Shapiro, is not well taken.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

## BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 20, (House Bill No. 22), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and from a point at or near Irwin in Westmoreland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of Ohio and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

On the question,

Will the Senate agree to the bill?

Mr. FULTON. Mr. President, I desire to offer the following amendment to a bill on the Calendar, Senate Bill No. 20, (House Bill No. 22).

Mr. OWLETT. I second the motion?

The PRESIDENT. Is there objection?

Mr. DENT. Mr. President, I submit that bill already has an amendment pending and before this Senate can consider any new amendments we must act on the amendment now pending.

## POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, the bill, which has not been read, is now before the Senate for amendment. This bill has not yet been read, or the title, and the Senate has not agreed to go into a Committee of the Whole for the purpose of considering the bill on second reading. The amendment is not timely.

The PRESIDENT. The Chair rules the point of order of the Senator from Philadelphia is not well taken.

On the question,

Will the Senate agree to dispense with going into a Committee of the Whole?

## POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, when the bill was called up originally, the bill was read and the gentleman from Westmoreland offered an amendment and after some discussion the bill, with the amendment pending, was laid on the table, and the understanding was, and if the reporter will go back his notes will show that the matter was to retain its status as then appearing, and the Chair will find that the gentleman from Westmoreland is absolutely correct and that there is on the table the amendment he offered to that bill; and that is now pending.

The PRESIDENT. If the Chair remembers correctly this bill went over in its order after a conference between the Senator from Westmoreland and the Senator from Tioga, with the understanding that it could be amended. The amendment was withdrawn.

Mr. OWLETT. Mr. President, that is correct; the amendment was withdrawn.

## QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, I submit that the amendment offered by the Senator from Westmoreland was withdrawn, and the bill went over in its order, and it is entirely proper at this time for the Senator from Allegheny, Mr. Fulton, to call up the bill and offer amendments at this time.

After the amendments submitted by the Senator from Allegheny, Mr. Fulton, have been acted upon the Senator from Westmoreland can again offer his amendment and that can be acted upon.

The PRESIDENT. The Chair rules that the procedure as stated by the Senator from Tioga, Mr. Owlett, is absolutely correct.

Mr. DENT. Mr. President, when I spoke this after-

noon, I called attention to the fact that I had been fooled once but I did not think I would be fooled twice. I remember distinctly talking to the Senator from Tioga, and then saying to the Chair I would agree to allow the bill to go over in its order and withdraw my motion for immediate action upon my amendment if the status quo was maintained. Those are the words I used and I ask the stenographer to verify what I have said.

The PRESIDENT. The Chair rules the Senator from Westmoreland may submit his amendment after the amendments submitted by the Senator from Allegheny, Mr. Fulton, have been acted upon.

The Clerk read the first section of the amendments as follows: Amend Sec. 1, page 2, line 2, by striking out the word: "Philadelphia".

Mr. HEYBURN. I second the motion.

On the question,

Will the Senate agree to the first section as amended?

It was agreed to.

The Clerk read the section section of the amendment as follows: Amend Sec. 2, Page 2, line 13, by inserting after the word "Philadelphia" the following: "and from a point at or near Irwin in Westmoreland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of Ohio."

Mr. HEYBURN. I second the motion.

On the question,

Will the Senate agree to the section as amended?

Mr. SHAPIRO. Mr. President, I would like to interrogate the gentleman from Allegheny, Mr. Fulton.

The PRESIDENT. Will the Senator from Allegheny permit himself to be interrogated?

Mr. FULTON. Mr. President, I will.

Mr. SHAPIRO. Mr. President, in what district in Allegheny County does the Senator live?

Mr. FULTON. Mr. President, the Senatorial district is forty-five.

Mr. SHAPIRO. Mr. President, how close will this amendment take this road to the Senator's district? Will it take it right through his district? Can the Senator or anybody else let us know?

Mr. FULTON. Mr. President, as a matter of geography the Senator from Philadelphia will understand that the State of Ohio bounds the western boundary of Pennsylvania by almost a hundred and twenty miles. My district does not run a hundred and twenty miles in length.

Mr. SHAPIRO. As to the terminus of the road, Mr. President, it is not in the Senator's district?

Mr. FULTON. That is correct, Mr. President.

Mr. SHAPIRO. But, Mr. President. if it goes through to Ohio it will go through the district of the Senator from Allegheny?

Mr. FULTON. Mr. President, in all probability not.

Mr. SHAPIRO. Mr. President, the Senator does not think it will miss that district?

Mr. FULTON. The reason is not to put it through my district, Mr. President.

Mr. SHAPIRO. I apologize, Mr. President; I thought it was.

Mr. FULTON. The reason, Mr. President, is to keep out some of these blitzkriegs, as a military matter, such as some of our Democratic colleagues have been speaking of this afternoon.

Mr. SHAPIRO. Mr. President, I desire to further interrogate the Senator from Allegheny, Mr. Fulton.

The PRESIDENT. Will the Senator from Allegheny Mr. Fulton, permit himself to be further interrogated?

Mr. FULTON. Mr. President, I will.

Mr. SHAPIRO. Then, Mr. President, if the blitzkriegers come, they will not go through the gentleman's district; they will go through somebody else's districts?

Mr. FULTON. That is right, Mr. President.

And the question recurring,

Will the Senate agree to the amendment as read?

Mr. SHAPIRO. Roll call, Mr. President.

The PRESIDENT. For the information of the Senator from Philadelphia, Mr. Shapiro, there was no roll call on the other amendment.

Mr. SHAPIRO. Mr. President, I desire that the roll be called on this amendment. I want to see how the gentlemen stand.

## QUESTION OF PARLIAMENTARY INQUIRY

Mr. OWLETT. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Tioga, will state his question of parliamentary inquiry.

Mr. OWLETT. Mr. President, is this the amendment offered by the Senator from Westmoreland, Mr. Dent?

The PRESIDENT. No, it is one of the amendments offered by the Senator from Allegheny, Mr. Fulton.

Mr. SHAPIRO. That is why I want the roll call, Mr. President.

Mr. EDMONDS. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Fulton.

The PRESIDENT. Will the Senator from Allegheny, Mr. Fulton, permit himself to be interrogated?

Mr. FULTON. I will, Mr. President.

Mr. EDMONDS. Mr. President, I would like to ask the Senator from Allegheny as to whether or not he considers the amendment comes under point 8 of the Governor's call, which reads as follows:

"Legislation necessary to permit the Pennsylvania Turnpike Commission to construct a turnpike from a point at or near Middlesex, in Cumberland County, to the Delaware River, at or near Philadelphia, and to issue turnpike revenue bonds, payable solely from tolls, to pay the cost of such construction."

It would seem to me that the geographical limits the Senator has in mind are a little bit beyond the Governor's call.

Mr. SHAPIRO. Mr. President, I should also like to call to the attention of the Senate that the Senate adopted the amendment without a roll call and that was the reason I asked for a roll call, so some of these gentlemen will see how we are conducting a Democracy these days.

The PRESIDENT. A roll call is not necessary unless asked for.

Mr. SHAPIRO. Mr. President, I am asking for a roll call.

The PRESIDENT. On this amendment?

Mr. SHAPIRO. Yes, Mr. President.

And the question recurring,

Will the Senate agree to the section as amended?

The Clerk called the roll.

Mr. FULTON. Mr. President, may I ask how the Senator from Adams, Mr. Rice, is recorded as voting?

The PRESIDENT. The Senator from Adams is not recorded as having voted.

Mr. SIPE. Mr. President, I mistook the name of Senator Rice for my own.

The PRESIDENT. How did the Senator from Armstrong, Mr. Sipe, vote?

Mr. SIPE. Mr. President, I voted "No".

The PRESIDENT. The Senator from Armstrong will be so recorded.

Mr. FULTON. May be the gentleman wants to change his vote, Mr. President.

Mr. SIPE. Mr. President, I want to keep the record straight.

Mr. TALLMAN. Mr. President, I desire to be recorded as voting aye.

The PRESIDENT. The vote of the Senator from Lehigh will be so recorded.

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—23

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Tallman, |
| Crowe, | Gelder, | Mallery, | Thomas, |
| Ealy, | Geltz, | McGinnis, | Walker. |
| Eroe, | Heyburn, | Miller, | Wolfenden, |
| Farrell, | Jaspan, | Owlett, | |

NAYS—18

| | | | |
|---|---|---|---|
| Cavalcante, | Haluska, | Reed, | Sipe, |
| Coleman, | Homsher, | Ruth, | Stevenson, |
| Dent, | James, | Scarlett, | Stiefel. |
| DiSilvestro, | McCreesh, | Shapiro, | Woodward. |
| Edmonds, | Pierson, | | |

So the question was determined in the affirmative.

The Clerk proceeded to read the next section of the amendment.

Amend Sec. 4, page 4, line 6, by inserting after the word "Philadelphia" the following: "and from a point at or near Irwin in Westmoreland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of Ohio."

Mr. HEYBURN. I second the motion.

On the question,

Will the Senate agree to the section as amended?

Mr. WOODWARD. That is the same amendment, we just passed, is it not, Mr. President?

The PRESIDENT. No. it is not the same amendment. Does the Senator from Philadelphia, Mr. Woodward, desire to have the other amendment read?

Mr. WOODWARD. Mr. President, I would like to know the difference.

The PRESIDENT. Does the Senator from Philadelphia, Mr. Woodward, desire to have the second amendment read?

Mr. SHAPIRO. Mr. President, have the clerk read the first and second amendments so that the Senator from Philadelphia, Mr. Woodward, can tell the difference.

The PRESIDENT. The Chair understands the clerk read the title as the amendment, and the amendment is the same as the title.

Mr. SHAPIRO. Mr. President, these words appear in three sections and therefore it has to be repeated three times.

And the question recurring,

Will the Senate agree to the section as amended?

It was agreed to.

The Clerk read the next amendment to the title as follows:

Amend title, page 1, line 6 of title, by inserting after the word "Philadelphia" the following: S "and from a point at or near Irwin in Westmoreland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of Ohio."

Mr. HEYBURN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time,

On the question,

Will the Senate agree to the bill as amended?

AMENDMENT WITHDRAWN

Mr. DENT. Mr. President, in order to keep the record straight, I still feel that my amendment is pending. However, I now withdraw that amendment because I can clearly see the plan of action laid down by my colleagues on the other side. They intend to kill the bill, and so they are allowing amendments to be inserted at the present time which clearly do not come under the call of the Governor. It will therefore be vetoed so I am not going to have the onus placed on my shoulder of trying to defeat the bill when I am in favor of the turnpike extension. I tried to do a little something worthwhile in getting some decent damage claims for my constituents. However, Mr. President, since the plan of action is to defeat the bill I, as a Democrat, do not want any part of it, so I withdraw my amendment and let them hang with it.

And the question recurring,

Will the Senate agree to the bill on second reading as amended?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—23

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Tallman, |
| Crowe, | Gelder, | Mallery, | Thomas, |
| Dent, | Geltz, | McGinnis, | Walker. |
| Eroe, | Heyburn, | Miller, | Wolfenden, |
| Farrell, | Jaspan, | Owlett, | |

NAYS—17

| | | | |
|---|---|---|---|
| Cavalcante, | Homsher, | Reed, | Sipe, |
| Coleman. | James, | Ruth, | Stevenson, |
| DiSilvestro, | McCreesh, | Scarlett, | Stiefel. |
| Edmonds, | Pierson, | Shapiro, | Woodward, |
| Haluska, | | | |

And said bill, as amended, having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. REED. Mr. President, I yield to the senior Senator from Philadelphia, Dr. Woodward.

Mr. WOODWARD. Mr. President, I am so disgusted with this bill I would like to move that it be dropped from the Calendar. What is the use of adopting such tactics with the bill? Sentiment is very evenly divided in this Senate; it is not a partisan issue and both sides have voted yes and no, and I have been waiting for the Senator from Fayette to make his usual motion and therefore I am willing to make a motion and get rid of the bill by dropping it from the Calendar, and we will not have any more trouble and will have a lot of time.

MOTION TO DROP BILL FROM CALENDAR

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 20, (House Bill No. 22), be dropped from the Calendar.

Mr. McCREESH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. OWLETT. Mr. President, roll call.

The Clerk called the roll.

Mr. SHAPIRO. Mr. President, I think I voted at the same time as the Senator from Chester. I do not want to be voting for him. I want to call that to the attention of the clerk.

The PRESIDENT. How did the Senator from Chester, Mr. Scarlett, vote?

Mr. SCARLETT. Mr. President, I voted "aye".

The PRESIDENT. How did the Senator from Philadelphia, Mr. Stiefel, vote?

Mr. STIEFEL. Mr. President, I voted "nay".

The PRESIDENT. How did the Senator from Fayette, Mr. Cavalcante, vote?

Mr. CAVALCANTE. Mr. President, I voted "nay".

The yeas and nays were required by Mr. OWLETT and were as follows, viz:

YEAS—13

| | | | |
|---|---|---|---|
| Bartlett, | James, | Pierson, | Snowden, |
| Crowe, | McCreesh, | Reed, | Tallman, |
| Edmonds, | Owlett, | Scarlett, | Woodward, |
| Homsher, | | | |

NAYS—26

| | | | |
|---|---|---|---|
| Cavalcante, | Fulton, | Letzler, | Sipe, |
| Chapman, | Gelder, | Mallery, | Stevenson, |
| Coleman, | Geltz, | McGinnis, | Stiefel, |
| Dent, | Haluska, | Miller, | Thomas, |
| DiSilvestro, | Heyburn, | Ruth, | Walker, |
| Farrell, | Jaspan, | Shapiro, | Wolfenden, |
| Frey, | Kephart, | | |

So the question was determined in the negative.

QUESTION OF PERSONAL PRIVILEGE

Mr. REED. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Washington, Mr. Reed, will state his question of personal privilege.

Mr. REED. Mr. President, as I have read the call of the Governor carefully I find that the major problem in that call is the problem of relief. That is to say, the Governor has called this session primarily to get money for the needy of Pennsylvania.

Mr. President, I sat last night in this Senate Hall, and also through today and this evening, listening attentively to the discussion that has taken place, and I have heard no voice raised saying there is no need of money for relief in Pennsylvania at this time. Neither have I heard, in these ramified discussions, any offer of any program to take the place of the program submitted.

Now, Mr. President, it is my conscientious duty, as I see it, to vote for some program that will take care of the needy in Pennsylvania at this time.

I have done that before, Mr. President. Although I am not a friend of the present relief system in this state or in this nation, I deem it a duty, as a citizen of this great State of Pennsylvania, to assist in taking care of the needy until some other and better way is found. Therefore, although I dislike to do it, I propose to follow my former course, under the Earle Administration, of voting for some part of this program in order that the distressed of Pennsylvania may not go hungry.

But, Mr. President, that is not the big question underlying the problem of relief. The gentleman from Somerset, Mr. Ealy, and other Senators on this floor in the past have discussed this problem from a fundamental standpoint, and I want to raise my voice tonight, at this time, in discussion of the fundamentals of this great problem.

Here in the year of our Lord one thousand nine hundred and forty this terrifying problem of relief again rises before us. It appears or comes before us demanding broader consideration, and as it comes its terrifying cry and constant expression is more, more, more.

Mr. President, in every part of our Commonwealth the voice of this voracious monster daily grows stronger, its power becomes greater, as its enemies submit and succumb to its devastating attack. Its advent in the early thirties was viewed by the people of Pennsylvania with little concern as the general belief of the time was that its stay would be of short duration, but the intervening years have shown us an amazing and alarming growth, until today it threatens the very life of our free form of government.

In 1932 the Commonwealth of Pennsylvania spent $6,038,000 for public assistance; in 1933, $37,495,000; in 1934, $34,335,000; in 1935, $53,421,000; in 1936, $85,309,000; in 1937, $80,094,000; in 1938, $109,654,000; and in 1939, $130,285,000. View with fear, my friends, this stupendous growth, and prepare yourselves for the inevitable conflict. At first that old American spirit of courage, thrift and pride restrained many of our people from participating in the distribution of the dole, but this formidable obstruction was finally broken down by the general rush for a share of the royal bounty, as the public was encouraged and assisted by governmental agencies animated by a desire to recklessly distribute public money. It is recorded that in 1939 between seven and eight per cent of the people of Pennsylvania were on general relief, and the average monthly grant per person was between $10.00 and $11.00. The industrial counties of Allegheny, Beaver, Berks, Blair, Cambria, Dauphin, Erie, Fayette, Lackawanna, Lawrence, Luzerne, Northumberland, Philadelphia, Schuylkill, Washington and Westmoreland received over 82% of the general relief grants in 1939, and in these counties 9% of the population depended on relief for subsistence. The farming County of Fulton had an average of 180 persons on relief, or less than 2% of its population. This is worthy of note.

It is clear and generally conceded that relief is concentrated and embedded in the populous, industrial centers of the State, but observation and study will disclose a gradual evacuation of the farm by farm hands and farmers with a corresponding migration to those centers where W.P.A. and relief more abundantly abound.

We have been temporizing with this dangerous problem for several years, following the easy course of meeting its demands and appeasing its ever growing desires. The day is not far distant when we must curtail, root out and destroy this system of relief or relief will bring to an end the life of a great Republic.

It has been calculated by able statesmen of the past, that no state, without being soon exhausted can maintain above the hundredths part of its numbers in arms and

idleness. By a parity of reasoning no state for any length of time can properly function with 7% of its population on general relief. A social and economic philosophy grounded on idleness and public assistance has been with us long enough. It is an enemy of American virtue and progress; and we, who are interested in the Republic, must labor to restore the old fashioned, fundamental philosophy of government that builded its existence on the time-honored principle that man shall earn his bread by the sweat of his brow. Such is the natural inclination of man. America lost its way when it departed from this course.

The great Roman Decius soon discovered that it was impossible to replace Roman greatness on a permanent basis without restoring public virtue, ancient principles and manners, and the oppressed majesty of the laws. Let America accept this wholesome advice and at once institute a policy of reform that will bring back and establish those precious though humble virtues that ruled the lives of the early fathers as they builded and defended the Republic.

These homely virtues are more essential to the happiness of a free people than great riches. The history of the past and the trend of the present support this view. Pertinax said: "that he was better satisfied to administer a poor republic, than to acquire riches by the way of tyranny and dishonor."

When the Republic was poor, it had no relief system; now it is extremely wealthy, boasting the possession of most of the gold of the world, while the number of its idle and dependent reaches into the millions and it appears that the end is not yet reached. What has brought about this anamolous situation in America? Certain new and unfamiliar forces have of late years so twisted and contorted the American system of government that the early traditions, basic virtues and fundamental principles, so essential to its perpecuity have been squeezed out and forgotten.

If the Republic is to survive a drastic and firm policy must be at once instituted and invoked dedicated to the removal of idleness and ease from among our people and charged with the task of re-establishing the safe and tempered creed of honest toil.

The course that runs true to the fundamental traditions of the Republic is the one that takes our people back to the independent life of the soil. By the very nature of our governmental creation, the more people we have on the farms, the more secure is our independence. America grew from the soil. This growth was nurtured and directed by three powerful, though independent institutions; the home, the church, and the school. Trained in the early American home, strong and independent men and women went forth to grapple with the difficult problems of the time, and from such homes, in the words of the poet, "old Scotia's grandeur springs." The little church in the wildwood taught a strong and noble peasantry the sublime and inspiring doctrine of faith and hope, and returned them to their several rustic duties filled with a sacred desire to practice virtue and honor.

"How swift the golden moments fled within that holy place;
How brightly beamed the light of heaven from every happy face."

The little school house in the clearing or at the crossroads gave clean and solid instruction and sent forth from its crude doorway young men and women prepared to take up and carry the weighty and responsible duties of American life. Use your memory and your history to ascertain the vast number of great Americans who arose from such humble beginning.

In that connection, the good Senator from Berks, Dr. Ruth, cited many examples last night in his fine address on Mother's Day.

In every rural community the home, the church and the school inspired the people to eschew idleness and vice and to cling to industry and virtue. Their serious and secluded life, averse to gay luxury, inured them to chastity, temperance, economy, and all the sober and domestic virtues. The general result was few crimes and no relief.

I would like to call attention, Mr. President, to the fact that on the farm there is no relief. Every person on the farm has some work to do. The aged are always supplied with some light and wholesome work, the young are likewise always taken care of by some light and seasonable employment, and as a result the aged work through the day and find sweet repose at night, the young grow up straight and hearty; and you find few patrons of pool rooms and dens of vice from such homes and communities.

We could spend much time in discussing the question, whether the present American home, the church and the school have retrograded from the high position fixed by their early country predecessors; and whether a greater percentage of the young of the present are engaged in idleness and crime than were their early country ancestors. But we cannot enter into such a discussion now. It will sufficiently serve our purpose in considering relief to say that a trend back to the farm is desired. Encouragement and assistance must be given.

There was a time in Pennsylvania, Mr. President, and most of the Senators here remember that time, when in order to encourage industry and manufacturers an exemption was offered to those who would come here and establish factories.

Now, Mr. President, would it not be worthy of a call by the governor to offer the farmer some such exemption? I have tried for some time in the Senate back through the years to give the farmer a reasonable tax exemption. I believe he is entitled to it; I believe it would be to the welfare of the Commonwealth of Pennsylvania and its people if we would encourage the farmer in this respect.

If he ever needed encouragement, he needs it now. The tax burden laid upon him is unsupportable. Back in my county upwards of 3300 properties, totalling $900,000 in taxes, were sold for unpaid taxes, and among them were hundreds of farms; and this is just the beginning of what must surely follow. In other counties of the state the same destructive conditions exist, and today you can hear from all parts of our Commonwealth the appealing voice of the farmer crying for tax relief.

A great dream highway, Mr. President, was discussed at some length here tonight and as that discussion was in progress I was carried back to the session of 1937, when the bill for the same was first introduced in this body. I, at that time, favored the opposition; I believed that the money about to be spent on that highway at that time could have been used for a better purpose. I still maintain, Mr. President, that the money poured into the dream highway for the big trucking associations and others could be spent to a better use for the people of

this great Commonwealth. We have, according to the state highway department, eight-five hundred odd miles of dirt roads in this Commonwealth, and that does not include the number of miles that are controlled by the various townships.

Now, Mr. President, if we wanted to really help Pennsylvania and its people, why should we not help the farmers to get out of the mud? Why could not this vast amount of money have been applied in building a reasonable road past the doors of as many Pennsylvania farmers as the funds would permit? But no, we take that money and build a dream highway across the state. Thousands and thousands of dollars worth of good farm property has been taken, and the purpose, as is stated here tonight, is in order to make a military road through the state.

I was basing my remarks on the general good to be accomplished, and that it would be far better to use that money to encourage the life on the farm. I remember distinctly in my county when Governor Pinchot started his movement to improve certain country roads I know one person in particular who was ready to move from his farm; he talked to me many times about it; the mud road to his farm was very bad. Then about that time Governor Pinchot started his roads program throughout the state. I was at that man's home recently, and now a change has taken place; he has erected a new barn; he has painted the dwelling house, and his farm is a veritable southern plantation today. Why? Because he was encouraged. He was encouraged by the little act of building a few miles of reasonably hard road past his door.

Mr. President, we could likewise assist the farmer, if necessary, in giving him a release from the gasoline tax; and I would be in favor of giving him every other reasonable consideration and exemption possible, because in our rural life, as I see it, lies the future of American greatness.

Mr. President, if we could start a movement back to the farm I believe we would strike relief a telling blow. I believe relief would be greatly reduced and in time, working with other factors, destroyed. I believe that such encouragement would eliminate a great deal of the idleness and unrest that exist today; and I sincerely believe, I repeat, that by such a course, we would promote a better American citizenship. When I discuss these problems I like to think of the poem, The Little Brown Hand. The first part runs:

"They drive home the cows from the pasture
Up through the long, shady lane
Where the quail whistles loud in the wheat field
That is yellow with ripening grain.

Those who toil bravely are strongest
The humble and poor become great
And from those brown-handed children
Shall grow mighty rulers of State
The pen of the author and statesman
The noble and wise of the land
The sword and the chisel, and palette
Shall be held in the little brown hand.

Mr. President, when we study this great problem of relief, so essential to the people of Pennsylvania and America, I hope that these matters I have discussed will likewise be fully considered.

RESOLUTION AUTHORIZING AND DIRECTING THE DEPARTMENT OF HIGHWAYS TO MAKE A SURVEY AND PREPARE PLANS OF A PROPOSED ROUTE BETWEEN MIDDLESEX, IN CUMBERLAND COUNTY TO A POINT AT THE CITY OF PHILADELPHIA.

Mr. KEPHART offered the following resolution which was twice read:

In the Senate, May 14, 1940.

Whereas, The construction, operation and maintenance of a turnpike or super-highway from a point at or near Middlesex, in Cumberland County, the present eastern terminus of a turnpike or super-highway now being constructed, to a point at the City of Philadelphia, would facilitate travel between the two ends of the Commonwealth, and would be of great industrial and military value; and

Whereas, The present turnpike or super-highway between a point at or near Middlesex, in Cumberland County, to a point at or near Irwin, in Westmoreland County, was built along a long-established route which previously had been laid out for a railroad and which took advantage of existing tunnels; and

Whereas, In the case of the proposed extension of the present turnpike or super-highway from a point at or near Middlesex, in Cumberland County, to a point at the City of Philadelphia, only the termini are presently ascertainable, between which lie some of the most valuable agricultural areas in the Commonwealth of Pennsylvania, and it is highly essential to minimize the effect of the proposed extension upon such areas by careful and considerate planning of the actual route to be followed; therefore, be it

Resolved (if the House of Representatives concur), That the Department of Highways is hereby authorized and directed to make a survey and prepare plans of a proposed route or routes for a super-highway between Middlesex, in Cumberland County, to a point at the City of Philadelphia, and to make a report of the result of such survey to the General Assembly at its next regular session, such report to include its recommendations as to the best practicable route: and be it further

Resolved, That in making such survey and in the preparation of such plans, the Department of Highways shall cooperate with the Pennsylvania Turnpike Commission, and the proposed route or routes shall be subject to the approval of the said Pennsylvania Turnpike Commission; and be it further

Resolved, That a copy of this resolution be transmitted by the Secretary of the Senate to the Secretary of Highways and to the Pennsylvania Turnpike Commission immediately upon its final passage.

SUSPENSION OF RULE 39

Mr. KEPHART. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection. The Chair hears none.

On the question,

Will the Senate agree to the resolution?

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Kephart.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Kephart, permit himself to be interrogated?

Mr. KEPHART. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, is it the intention of the Senator from Philadelphia, Mr. Kephart, that the Highway Department shall use its present staff of engineers, without putting on more, to do the work called for in this resolution?

Mr. KEPHART. Mr. President, it is.

Mr. SHAPIRO. Mr. President, this resolution, in my opinion, is the proper way in which this problem should have been approached, and I want to take advantage of the introduction of this resolution to make a comparison with it in connection with the bill that has just been amended.

I read the call of the Governor. It provided for legislation necessary to permit the Pennsylvania Turnpike Commission to construct a turnpike from a point at or near Middlesex, in Cumberland County, to the Delaware River, at or near Philadelphia, and to issue turnpike revenue bonds, payable solely from tolls, to pay the cost of such construction.

Now, this resolution, of course, will not do what the call provided for, and I do not know whether that resolution, upon the basis of the construction that has been placed on the call by my colleagues on the other side of this Senate is germane, or can be adopted lawfully under the call; but as I read the call, I was wondering why that was made a subject matter of this Special Session.

In thinking over the matter, I came to the conclusion that the Governor was grasping for many ways in which to make it unnecessary to repay these funds by taxation —the funds that are now being transferred from the various special funds. While I do not agree with him entirely in the program—in fact I am opposed to the whole program as outlined by him—I would agree that is one of the ways in which the relief problem can be met in a sensible, practical way. It will furnish secure investments to the people at a reasonable rate of interest, it will provide work for a tremendous number of people. Of the fifty million dollars, upon the basis which we are spending for construction a major portion or about fifty per cent will go into money, labor and with the twenty-five millions of dollars which will go into labor it will furnish employment for people who will receive twenty-five millions of dollars for work instead of doles and instead of relief.

Now, Mr. President, I view with amazement and much concern the general laxity of the members of this Senate, their carelessness and disregard for the importance of that problem, with which they have treated Senate Bill No. 22, (House Bill No. 20). If the strict construction of this call is as was pointed out by the attorney general in an opinion asked in connection with the bond, then the addition of the amendments kill the bill and the whole purpose back of it; and it is pretty nearly time these men in this Senate consider that with sufficient seriousness. Either the bill is killed by virtue of the fact that it goes far beyond the limitations of the call or it places the burden upon the Commonwealth to do double the amount of work that was intended here, and makes it quite possible that the amount of money necessary to complete that highway, as suggested by the amendment, will not be available or forthcoming.

I think in fairness to the General Authority more attention should have been paid to the views which they expressed as to why these claims were not paid, in order to help us in solving this problem. For instance, it may be quite possible that the sale of these bonds in one lump sum, necessary to pay for the road, has not been feasible or possible at this time; it may be that they are selling the bonds in smaller amounts and not in the aggregate authorized under the issue; and it may be because of that some of these claims have not been paid. And yet, in all fairness, we sit and applaud the statement of the gentleman from Washington, who makes a suggestion to in some way, in a practical way, relieve this heavy roll that continues to grow on relief, and in the same breath, or shortly before, we destroy, deliberately destroy, without sufficient consideration, the possibility of doing in another way—bringing about in another way—the same result which this gentleman suggested.

We all agree with him that we ought to reduce the relief roll if we can reduce it without starving people, and if this way is one of the ways of doing it I am in favor of it, even though it comes under a program which in my opinion is filled with fraud; but if it is a good part of the program, I am for it.

I see the gentlemen on the other side are waiting for us to help them to destroy a bill which they do not like when, as a matter of fact, the bill may be passed in such a way as to cause no damage to persons interested and do a great deal of good for the community, for the state, and at the same time relieve us from some of this burden of relief.

I say this purposely at this time Mr. President because I am going to vote for the resolution suggested, because that is an intelligent way to approach a problem of this kind; but I suggest everything that is in that resolution, by people who are interested, can be done within the next forty-eight hours. I suggest that resolution has no force or effect, if I am right in the fact it is not within the call. I question whether the Department of Property and Supplies will, upon a resolution of that kind, undertake to spend the money necessary for employees to make this survey. What authority have they, under a resolution, that they should investigate, expend money, lay out money, make plans, lay out proposed roads, at a time when their budget is being curtailed, when they do not have the money sufficient to carry on their ordinary functions? And I protest in the hope that somebody on the other side, who has enough influence with the gentleman who controls the majority votes, will give this matter some consideration.

I protest against the way in which this whole proposition has been handled. I can pick flaws in the rest of this program. I do not propose to point out the faults in this program, but I consider it my sacred duty at this time to try to gather from this faulty program as much good as is possible. I am going to forego my own feelings in the matter. I know some farmer may not want to have this road go through, because it may work untold harm to him; but under that same bill a method of paying that farmer in dollars and cents what it would cost to go through his land is provided; but if you kill the bill, that same farmer will have to pay out of his pocket a part of this two hundred and forty million dollar relief bill which we have now every biennium, and I suggest while the time is still here, that the members on the other side of the house—I am going to vote for this resolution and I suppose they are—put this situation concretely and practically before the Senate, and submit it to both the Department of Highways and the State Authority on a basis which can accomplish the purpose.

After all, Mr. President, this road will not cost the Commonwealth of Pennsylvania any money; the people of Pennsylvania will be furnished with a convenient method of travel, and they will be glad, for their pleasure

and because of savings, to pay the toll; and those tolls will be used to retire these bonds; and in the meantime some of this so-called dusty money will be moved out of the banks and out of the hands of people who have it, looking for such investments; and we will take off our relief rolls at least twenty-five millions of dollars.

Have we gone so far astray in this session that we will not listen to that kind of an argument, that we will not investigate that situation, and that we will not pass a bill with the significance and importance this bill has and contains, allow it to go by the board because some of us do not like the bill and others do not like the Authority?

I have no particular hatred for any of the departments which are involved in this, I have no experience with them, and I have no friends or relatives on their payroll, and I do not expect to have any of them on the payroll if this bill is passed; but I do look forward to the fact that this is the only piece of legislation in the whole program that is constructive and can be made to work to the interest of the people and a reduction of the relief roll, and before it is too late, I ask you gentlemen to see to it that this bill is put back in its proper form.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## REPORTS FROM COMMITTEES

Mr. OWLETT. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, from the Committee on Finance, re-reported as committed, Senate Bill No. 19, (House Bill No. 16), entitled:

An Act to further amend clause (a) of section nine of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws, two thousand fifty-one) entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance and the State Emergency Relief Board," by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

He also, from the Committee on Finance, re-reported as amended, Senate Bill No. 18, (House Bill No. 15), entitled:

An Act to amend section six hundred twenty-eight of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of election; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections," by providing for the filling of vacancies occurring in either house of the General Assembly whether or not it be in session at the time of the happening of such vacancies.

Mr. HEYBURN. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN, from the Committee on Finance, re-reported as committed, Senate Bill No. 14, (House Bill No. 11), entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled May sixth, one thousand nine hundred forty in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth, one thousand nine hundred forty.

He also, from the Committee on Finance, re-reported as committed, Senate Bill No. 15, (House Bill No. 12), entitled:

An Act making an appropriation to aid certain school districts.

Mr. GELDER. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER, from the Committee on Finance, re-reported as committed, Senate Bill No. 7, (House Bill No. 4), entitled:

Act Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

He also, from the Committee on Finance, re-reported as amended, Senate Bill No. 6, (House Bill No. 3), entitled:

An Act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. EDMONDS. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS, from the Committee on Finance, re-reported as amended, Senate Bill No. 16, (House Bill No. 13), entitled:

An Act to amend clause (u) of section four of the act approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide money for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies creating certain special funds in the cus-

tody of the State Treasurer and prescribing penalties," by redefining for certain purposes of the act the term "wages."

He also, from the Committee on Finance, re-reported as amended, Senate Bill No. 4, (House Bill No. 1), entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first, one thousand nine hundred thirty-nine.

Mr. EALY. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY, from the Committee on Finance, re-reported as committed, Senate Bill No. 12, (House Bill No. 9), entitled:

An Act to amend the act approved the ninth day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

He also, from the Committee on Finance, re-reported as amended, Senate Bill No. 13, (House Bill No. 10), entitled:

An Act to amend certain appropriation items contained in Section two of the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty) entitled "An act to provide for the ordinary expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for two years beginning June first, one thousand nine hundred thirty-nine and for the paymeent of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine."

Mr. WOODWARD. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on Finance, re-reported as committed, Senate Bill No. 8, (House Bill No. 5), entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

He also, from the Committee on Finance, re-reported as committed, Senate Bill No. 9, (House Bill No. 6), entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

Mr. PIERSON. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PIERSON, from the Committee on Finance, re-reported as committed, Senate Bill No. 11, (House Bill No. 8), entitled:

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

He also, from the Committee on Finance, re-reported as committed, Senate Bill No. 10, (House Bill No. 7), entitled:

An Act to amend the act, approved the ninth day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-three) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by the Pennsylvania State College with The General State Authority for the use and occupancy of such college of the various projects, structures, buildings and facilities of the Authority or for the services rendered by the Authority or its projects," by reducing the amount appropriated.

Mr. TALLMAN. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN, from the Committee on Finance, re-reported as committed, Senate Bill No. 5, (House Bill No. 2), entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

He also, from the Committee on Finance, re-reported as amended, Senate Bill No. 17, (House Bill No. 14), entitled:

An Act to amend paragraph (a) of and to add a new paragraph (1) to section two thousand four hundred two of the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and providing that such civil service employes of the board as are necessary for the cleaning, care preservation and protection of such building and the furnishings, records and other matters therein and the operation of its mechanical plants shall perform

their duties under the supervision of the Department of Property and Supplies.

## ERRATUM

The PRESIDENT. The Chair states that on page 57 of the Legislative Journal of this Senate for Tuesday, May 7, 1940, under the heading of Consideration of Executive Nominations, through a typographical error, the Senator from Montgomery, Mr. Edmonds, is quoted as follows: "Mr. President, I move that the Senate do not proceed to the consideration" and so on. That of course should be "Do now proceed" and so on.

This will be noted in the Journal.

## ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Wednesday, May 15, 1940, at 12:00 o'clock noon, E. S. T.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 9:39 o'clock, p. m., E. S. T., until Wednesday, May 15, 1940, at 12:00 o'clock noon, E. S. T.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

**Extraordinary Session of 1940.**

Vol. 24. HARRISBURG, PA., WEDNESDAY, MAY 15, 1940. No. 7.

## SENATE

WEDNESDAY, May 15, 1940.

The Senate met at 12:00 o'clock, noon, E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

### PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

Our Blessed Father, how lovely is Thy handiwork everywhere but especially the beauty of the grass, the trees, the birds, the flowers and blossoms, all of which we should have noticed as we wended our ways to this Chamber today. Are these not lovely reminders that God is good and gracious and kind to His children everywhere? And that He is desirous of having pleasant and happy and lovely surroundings maintained in our social and economic lives?

O Father of Light, show us Thy philosophy of life that our living may be more acceptable to Thee. Reveal Thine own Glorious Self to us today that we may be constrained to be like Thee.

Surely it is pleasing to Thee to see the members of the Senate of Pennsylvania pause in prayer at the beginning of each day's session and most certainly it is more beautiful if each of us is actually led to Thy throne of grace in these few minutes evaluating the power of Divine guidance. For "What shall a man be profited if he shall gain the whole world and lose his own soul? Or what shall a man give in exchange for his soul?"

We have come today to continue the shaping of vital legislation. May it be done amicably and well that we may pray with the Psalmist: "Establish the work of our hands, O Lord; yea, the work of our hands, establish Thou it." For Thy Name's Sake. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

### PETITIONS AND REMONSTRANCES

#### OPPOSING DIVERSION OF LIQUID FUEL TAX MONEY FOR RELIEF PURPOSES.

The Chair cleared his table and laid before the Senate the following communications:

Mr. CAVALCANTE presented a resolution from the Fayette County Commissioners' Office signed by John W. Rankin, Arthur Higinbotham and Michael Karolcik, Commissioners, opposing diversion of liquid fuel tax money for relief.

Mr. REED presented telegram from the Greene County Commissioners opposing the same.

Mr. HALUSKA offered a letter from Paul M. Lantzy, Secretary of Council of Spangler Borough opposing the same.

Mr. McGINNIS presented resolution passed by city council of the City of Pittsburgh, opposing the same.

Mr. COLEMAN presented letter protesting against the same from the Lackawanna County Commissioners signed by M. F. Lawler, Wm. J. Geiger and L. M. Freda.

Mr. EROE presented resolution adopted by Council of the City of New Castle opposing the same.

Mr. CROWE offered resolution from the Chief Clerk of Carbon County Commissioners' Office opposing the same.

Mr. WALKER presented telegram from George S. Lyle, Mayor of McKeesport opposing the same.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Walker.

The PRESIDENT. Will the Senator from Allegheny, Mr. Walker, permit himself to be interrogated?

Mr. WALKER. With pleasure, Mr. President.

Mr. CAVALCANTE. Mr. President, will the gentleman from Allegheny advise us what the political faith of the mayor and the council of McKeesport might be?

Mr. WALKER. Mr. President, in answer to the question of the Senator from Fayette, I am not acquainted with how the gentlemen are registered.

Mr. CAVALCANTE. Mr. President, the gentleman had better learn.

#### URGING MODIFICATION OF ACT No. 383

Mr. HALUSKA presented resolution from Evan B. Lloyd, Chairman of Cambria County Board of Assistance recommending that Act No. 383 be modified.

The PRESIDENT. The Chair directs that the following telegram addressed to the Chair by Cornelius D. Scully, Mayor of Pittsburgh, be read for the information and guidance of the Senate.

The telegram was read as follows:

I am informed that House Bill No. 4 will deprive the City of $4,682,000 derived from its just share of the Liquor Tax collected by the state, and that House Bill No. 5 will deprive us of $122,000 representing the two per cent tax on premiums paid to out-of-state fire insurance companies. The withdrawal of these funds from Pittsburgh will make our budget meaningless and will present a most serious financial problem to the city. I need not remind you that they are equivalent to more than one mill of real estate taxes. I think it is utterly unjust for the state to cavalierly take over these funds which have been set aside for us after we have based our budget upon

them. The state should face its own responsibilities without crippling its municipalities. May I ask that before any action is taken on these bills that a public hearing be held in which the City of Pittsburgh may state its position of opposition. I am sure that we will be joined by counties, cities and boroughs throughout the Commonwealth in our protests at this raid legislation.

CORNELIUS D. SCULLY, Mayor.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro, on the order of the day now before the session.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, can the gentleman from Philadelphia, Mr. Shapiro, enlighten his colleagues as to whether or not the city and county of Philadelphia has taken any action relative to the advisability of the diversion of the liquor license fund and the liquid fuel tax fund as proposed by the Governor's administration?

Mr. SHAPIRO. Yes, Mr. President, there was an abortive action taken that was, in fact, a joke. Mr. Councilman Samuels spoke out of turn. He protested to the newspaper men that this would upset the budget of the city and county of Philadelphia and interfere with road work. Apparently he thought Governor Earle was still Governor of Pennsylvania, so somebody put him straight and we have not heard from him since. He has been told and realizes this is a Republican and not a Democratic administration, and I give this Chamber assurances you will not hear a peep out of Philadelphia against this program.

## NOMINATIONS BY THE GOVERNOR

### NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

## QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong will state his question of personal privilege.

Mr. SIPE. Mr. President, I wish to make a few remarks on behalf of the farmers of Pennsylvania, prompted by the remarks of the good Senator from Tioga, that the farmers can not be fooled, and prompted also by the resolution of the Senator from Westmoreland, Mr. Dent.

Mr. President, as I said before, some have succeeded in fooling the farmers; Governor James succeeded in fooling the farmers of Pennsylvania when he went chasing over the state promising the earth with a fance around it during his campaign, and thereby secured the votes of, I would say, seventy-five per cent of the farmers of Pennsylvania; and then they wakened up shortly after his election to a realization of the fact that they were the first to have their throats cut, in the terrible slashing in the price of milk.

I am not speaking as a politician, Mr. President; I do not pretend to be a politician, I hate to be called a politician. So with this preface that I am not a politician I want to give two other examples of where the farmers of Pennsylvania were fooled by politicians—one a Democratic politician and the other a Republican politician.

Those of you, Mr. President, who are familiar with farming and with farm organizations know that very often men who are pretty much of blatherskites forge to the front in farm organizations for their own political advancement. They are not real dirt farmers but political farmers.

Now, I have in mind one Democrat who was like that. That was our friend, Howard Eiseman, who, with the gift of gab that he had, forged to the front in the Pennsylvania State Grange until he became state lecturer, not a real farmer, having a fourteen acre farm up in Erie County devoted largely to the raising of berries and bees. So Governor Earle comes along and picks up this man Eiseman, claiming that he was an outstanding representative of the farmers, and put him on the Milk Control Board of Pennsylvania.

As I say, Eiseman was a bee farmer and so it was no wonder that shortly after he got on the Milk Control Board the farmers of Pennsylvania were stung.

Now, let me tell you about another political farmer in the sacred Republican party, our friend John H. Light; not a real dirt farmer but, as I say, a political farmer, who used the Grange for his political advancement. So in this administration, the present one, he was made Secretary of Agriculture, but it was not very long until the farmers found him down here in Harrisburg lobbying for the vicious Snyder milk bill, which was a rewrite of the vicious Rogers-Allen act of New York, which almost drove the farmers of that state crazy, a bill which, if it had been put upon the statute books of Pennsylvania, would have put the milk producing farmers of our state at the mercy of the big milk dealers—not the little milk dealers. So the farmers were stung by that Republican politician.

Stung by that Republican politician, Mr. President, to such an extent, that this fooling of the farmers—going on here in Pennsylvania—that we have the situation of the Pennsylvania Farmer, a supposedly Pennsylvania farm paper, handing out the fake argument of the milk trust that there is a surplus of milk in Pennsylvania. But up in the State of New York is the Rural New Yorker, a real farm paper. The Rural New Yorker has given us Pennsylvania farmers a lot of help in our effort to storm the citadel of the milk monopoly, but The Pennsylvania Farmer, as I say, a supposedly Pennsylvania farm paper, is giving us no help.

A few weeks ago Editor E. S. Bayard of The Pennsylvania Farmer—a resident of Senator McGinnis' city of Pittsburgh—came up to Butler and told a group of farmers in Butler county, one of the main milk producing counties of the western part of the state, that their troubles were of their own making. He said you are producing too much milk, and furthermore, there is no milk trust; that is only a figment of your imaginatioon.

Now, Editor Bayard well knows, if he knows anything at all about the milk problem, that the people of Pennsylvania consume the product of hundreds of thousands of cows outside this state; that there is no milk surplus in any state east of the Mississippi, that it in fact is one of the greatest deficit states in the union; and that the United States imports far more dairy products than it exports.

Well, a few weeks prior to that time I wrote my friend, the wonderful editor of The Pennsylvania Farmer, and told him that the Rural New Yorker was helping us farmers and that his paper was giving us no help in our fight against the milk trust. He replied to me saying that milk trust was only imaginary. Then I wrote him a

second time, telling him that in 1939 the farmers of Pennsylvania received approximately three million five hundred thousand dollars less for their milk than they did in 1938, while Pennsylvania consumers paid approximately twenty million dollars more; and I asked him in that second letter to publish the enormous profits of the big milk companies and to publish the enormous salaries of the big milk executives, such as the salary of the president of National Dairies, which is in excess of a hundred and fifty thousand dollars a year—more than twice as much as the salary of the president of the United States.

Furthermore, I reminded this editor that the lobby offices of the big milk interests are just across the hall from the offices of the Milk Control Board of Pennsylvania, and I asked him whether he thinks that is a healthy sign. He has not replied to my letter.

Yes, the farmers hardly know where to turn for friends.

The Senator from Allegheny, Mr. McGinnis, who tells me he first saw the light of day on a farm—good old Barney McGinnis—told us yesterday, I believe it was, that the farmers are mercenary. He made that remark in connection with the troubles the farmers are having along the Dream Highway in not getting paid for damages, especially the farmers in Westmoreland County.

Well, I know very well those farming neighborhoods of Pennsylvania through which the Dream Highway goes. I have been over the Dream Highway from one end to the other and especially do I know the farming section in Senator Dent's county through which the Dream Highway goes. It was from that part of Westmoreland that my Pennsylvania German ancestors came in 1795 to Armstrong county. Senator Dent knows the names still lingers there; name of a family whose blood runs in my veins, families who have been in Westmoreland, that part of Westmoreland, for ten years prior to the American Revolution—the Silvises, the Benders and the Sipes—and Senator Dent knows that they are familiar names in Westmoreland county today.

Oh, yes, Brother McGinnis was afraid the Dream Highway might pay a little for sentimental value. Well, I do not care if the Dream Highway does pay a little for the sentimental value that attaches to a farm homestead that has been in the same family from a date prior to the American Revolution. I say that such sentiment for our homestead is a wholesome sentiment. I have the same sentiment toward my farm, which I have the pleasure to own, and which has been in my line for a hundred and forty years—in fact, the sentimental value of it, in my estimation, is more than the real value. While I am not trying to hold myself out to the Senate of Pennsylvania or the people of my district as attempting to be the leading farmer in my district, yet such is the sentiment I have for those ancient acres that I intend to keep those as long as I live and then I intend at my death to turn them over to charity as a home for the unfortunate so that they shall continue to serve humanity long after I shall have been gathered to my fathers.

Yes, the farmers along the Dream Highway have stuck to the soil; they did not leave the farm—as Brother McGinnis did—they had no longing to enter the maze and whirl of city life, in the great ballrooms of the city where the bright lights burn so luringly; they had no longing to become gay dudes of pleasure, and butterflies of fashion.

No, Mr. President, they stuck to the soil, on the same soil of Westmoreland, and in Brother Ealy's county, and in other counties along the route of the Dream Highway, staying there since the pioneer days of Pennsylvania, and so I, as a farmer, and as having the blood in my veins of pioneer farmers in this state, resent the fact that in the construction of this Dream Highway there has been too much irritating of the farmer; who must wait until the last to get his damage. I dare say that the lawyers will not have to wait until the last to get their fees.

So, I am glad to get up here and say a word for the farmers, and I hope that in the future construction of this great highway there will be a little more attention and respect given to the feelings of the farmers.

Then there is another matter I want to mention just before I sit down. The Dream Highway, while an excellent thing, of course is not such a great bonanza to the farmer after all. The farmer will run the risk of getting his neck broken if he gets out on the Dream Highway in his buckboard.

Nor is the Dream Highway absorbing the relief labor of Pennsylvania to any great extent. I have been over it four or five times since operations have started, and I know that it is not a hand labor job, it is a machinery job. That is the kind it is—necessarily so, in such a vast construction. So the operation of the building of it is irritating the farmers and not paying the damages they are entitled to promptly, letting them wait until the last; and it is not absorbing the unemployed of Pennsylvania to the extent that a lot of people try to make us believe. The contractors are not all Pennsylvanians, either.

So I end as I began, by saying I want to take a few minutes of time to say a few words on the part of the farmers who are still the greatest industrialists in Pennsylvania. Farming is still the leading industry of the state bearing the name of Penn, the Apostle.

## BILL INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 24, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on State Government.

Mr. DENT. Mr. President, may I interrogate the gentleman who just presented the bill?

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. DENT. Mr. President, I desire to ask the Senator from Philadelphia why he wants to present a bill today when he knows we are going to quit tomorrow—putting the state to the expense of printing the bill.

Mr. WOODWARD. Mr. President, that bill is in the nature of propaganda.

Mr. DENT. Propaganda is expensive, Mr. President.

Mr. WOODWARD. This bill would prevent any more state authorities or turnpike commissions in the future.

## RESOLUTION CALLED UP FROM THE TABLE

Mr. HALUSKA. Mr. President, I now call up the resolution I presented Monday night with reference to the two thousand dollar relief bond which has to be signed by relief recipients.

Mr. OWLETT. Mr. President, amendments are being

prepared for this resolution, which we desire to introduce. They have not arrived yet, and for the purpose of enabling us to present these amendments I ask that this resolution be laid on the table for the present.

MOTION TO LAY RESOLUTION ON TABLE

Mr. OWLETT. Mr. President, I move that the resolution offered by the Senator from Cambria, be laid on the table for the present.

Mr. GELDER. I second the motion, Mr. President.

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. HALUSKA. Mr. President, will the Senator tell me whether he expects his amendments will be presented today?

Mr. OWLETT. Yes, Mr. President, I do; they are being prepared now.

Mr. HALUSKA. And, Mr. President, can the Senator from Tioga tell us the purpose of the amendments?

Mr. OWLETT. Mr. President, their purpose is to clarify this resolution and make it more constructive.

Mr. HALUSKA. Mr. President, does the Senator from Tioga mean more destructive?

Mr. OWLETT. Constructive, Mr. President.

Mr. HALUSKA. Not destructive, Mr. President.

Mr. OWLETT. In order to clarify it, Mr. President, and make it more constructive.

Mr. HALUSKA. Mr. President, I withdraw my request.

On the question,

Will the Senate agree to the motion?

It was agreed to.

RESOLUTION URGING OBSERVANCE OF FLAG WEEK JUNE 8 TO 14, 1940, AND SPECIAL OBSERVANCE OF FLAG DAY JUNE 14

Messrs. STIEFEL and SIPE offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 15, 1940.

Whereas, June 14 is the anniversary of the adoption by the Continental Congress on June 14, 1777, of the Stars and Stripes as the emblem of the United State of America, and with that date began the history of our flag as a symbol of our nationality; and

Whereas, The American Flag Day Association, which for nearly fifty (50) years has led the observance of "Flag Day" as a patriotic duty with over three hundred (300) affiliated patriotic, fraternal, civic, military, social, service, education, religious and other cooperating organizations, as well as various cities, boroughs and townships of our Commonwealth, showing by their example to the Nation at large the influence for good which such observances exert, (our great Commonwealth of Pennsylvania setting aside June 14 "Flag Day" as a legal holiday—thus showing the patriotic sentiment of our American citizens); and

Whereas, Flag Week has been designated from June 8 to June 14 to enable organizations of all kinds and various communities to plan for Flag Day celebrations at convenient times during that week, which in Philadelphia and elswhere in our Commonwealth begins on Saturday, June 8 with "Citizenship Recognition Day" by patriotic community assemblies of all reaching voting age in 1940 and citizens naturalized up to June 8; and

Whereas, by such patriotic celebration our pride in American citizenship may be stimulated and emphasized, our faith in and devotion to our American institutions strengthened, a greater love of country shown, our patriotism rekindled and this observance perpetuated; now

Therefore: To give full force and effect to our Commonwealth's Legal Holiday on June 14, under Pennsylvania Act 155, Session of 1937,

It is Recommended and urged by this Senate of the General Assembly of Pennsylvania that all our citizens observe Flag Week, June 8 to 14 as Americanism Week and especially observe Flag Day, June 14, as the Anniversary Birthday of "Old Glory," that decorations in our national colors be made, and wherever possible the American flag be displayed, that in all schools, colleges and universities there be special patriotic exercises, that societies, clubs and other organizations have suitable programs.

And Be It Further Recommended, That on Saturday, June 8 and Sunday, June 9, in all places of worship, public recognition be made of the day that we then give expression to our thoughtful love of America, our determination to make it greater with each generation, by loyal service and loyal living.

SUSPENSION OF RULE 39

Mr. STIEFEL. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. It there objection,

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 4, (House Bill No. 1), as follows:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-nine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seventy-one million eight hundred fifty thousand dollars ($71,850,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance administrative expenses expenses of liquidating the State Emergency Relief Board attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-nine

Section 2 Out of the moneys appropriated by section one of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pension for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs neces-

sary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by section one of this act the Governor shall from time to time allocate to the Department of the Auditor General and the Treasury Department respectively such sum as he may deem necessary to pay the administration expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing appropriations for or relating to public assistance including any Federal funds supplementing such appropriations Provided however That allocations to the Department of the Auditor General shall not exceed in the aggregate the sum of one hundred fifty thousand dollars ($150,000) and allocations to the Treasury Department shall not exceed in the aggregate the sum of five hundred fifty thousand dollars ($550,000)

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. MUNDY. Mr. President, when the budget for this biennium was prepared I recall that members of the Senate on the majority side were called in to consultation and went carefully over the items with the idea of affecting all the economies possible. I, too, remember that the heads of departments were called in and asked by the Governor of Pennsylvania to submit to him a budget which would cover the absolute necessities of each department. I say that was the function of the Governor and the majority section of the Senate; that was their privilege, and that was their right; and that was thoroughly broadcast through the papers and throughout the state at large, that here the acme of economy had been reached in the submission of this budget and in covering the different items contained in the budget.

The other night we received a message, at the opening of this session, a message in the call of the session, in which it was stated there were some sixty million dollars of additional savings affected during the administration of this budget.

When the call came for an additional seventy-three million dollars, not knowing very much about the intricacies of financing, suggested that if there was a saving of sixty million dollars and there was a necessity for the expenditure of some seventy-three million dollars, it was right and proper for this Senate to give the difference between sixty million and seventy-three million, or transfer funds to the extent of thirteen million dollars; but I was informed that I did not understand the financial picture, and this sixty millions of dollars was not an actual saving, it was simply a saving in bookkeeping, a saving derived from looking over the different items, and did not actually exist in fact.

Now, with the original economy, and with the saving of sixty million dollars, the thing I was interested in was not in the administration of economy, because everybody believes in that—but how was the economy effected? Was this economy effected due to the fact that there was some curtailing of governmental functions?

Now, I know nothing about many of the departments. I do not propose to interfere with the head of a department in the functioning of his particular department; after all, he is answerable to the people at large as to the proper functioning of that; but I do know something about business; I do know from my experience that in the primary preparation of the budget the Department of Health was not able to function properly to take care of the health of the people of the State of Pennsylvania, as was evidenced by the closing of certain sanatoria and the curtailing of functions as far as the crippled and the tubercular were concerned; but if the people at large were satisfied with the curtailment of functions, and the necessity arose to use the funds on some other matter more necessary that demanded immediate attention, that was perfectly all right with me, and the responsibility lay with the Governor of Pennsylvania and the majority members of the Senate.

But now, Mr. President, we face the situation where we are told in this budget are items which will further take away, say, some nine hundred thousand dollars from the health program of the State of Pennsylvania, and various other items from other departments. If the work has been curtailed, and I know it has been seriously curtailed under the previous economy measures, I can foresee where it will be almost an abandonment of the program, so far as the people at large are concerned, the underprivileged, but that too, is your responsibility and the responsibility of the Governor of the State of Pennsylvania, if he so decides to do it.

But yesterday, Mr. President, a particular item came up when this bill under consideration was referred to the Committee on Finance the majority members saw fit to curtail in the interest of economy, the appropriation by fifty thousand dollars—to curtail the appropriation from two hundred thousand dollars to one hundred and fifty thousand dollars—allocated to the department of the Auditor General for work which I consider as very, very necessary—and a brief review of this will show, I believe, this is not true economy; I believe the curtailment of this fund is really a false economy.

Mr. President, in the County of Luzerne, I know as a fact—because of the fact representatives of the Auditor General's Department called in the recipients of relief to personally present to them first their checks and then interview them—the relief load was cut in that county at least twenty per cent and what is true of Luzerne county is true of most counties in the state.

Now, here we are with the one single greatest item of expenditure upon the State of Pennsylvania, the relief itself, which runs from probably nine to ten million dollars a month; and it stands out in the items of the budget as the greatest expense. We are here in this session to try to cut down this relief load. We have had a very, very interesting statement that has been presented and also figures have been introduced by the Auditor General, that the relief load, by the efficiency and activity of that department, has been cut on an average of twenty per cent throughout the State of Pennsylvania.

I cannot see, in the interests of economy, where a committee should take an item of fifty thousand dollars—which is after all a small item when you consider a hundred and twenty million dollar expenditure a year—to prevent us from cutting down one-fifth of the total relief load, and I am appealing to you from the standpoint of efficiency and the standpoint of performance, on the part of the auditor general, that that item of fifty thousand dollars, before passage of this bill, should be replaced in there.

Mr. Russell, of the Department, I know welcomes these post-executive investigations, and I know he will talk to you and say, after all, the auditor general has been efficient in cutting down the relief load—and I say too, that if

you gentlemen consult the representatives of the Governor's office, and the Governor himself, the Governor will tell you the Auditor General has been one of the biggest instruments in cutting down the relief roll; and if we are aiming honestly to give to those who are deserving and take away from those who are not deserving, the cutting of this item of fifty thousand dollars on the supervision of a hundred and twenty million dollars of expenditure is not good economy.

Mr. EDMONDS. Mr. President, in this House Bill No. 1, which is now pending before the Senate, there are two reductions, one of them being the appropriation to the Auditor General from two hundred thousand dollars to one hundred fifty thousand dollars, to which the Senator from Luzerne, Mr. Mundy, does not agree, and one in the Treasury Department from seven hundred and fifty thousand dollars to five hundred thousand dollars, to which I understand the gentleman from Luzerne, does not object. Personally, I am in favor of those two reductions and I want to state very definitely the reasons why.

In 1939, the legislature enacted a bill, which is now on the statute books of the Commonwealth, page 269, (b). Let me read it:

"All payments out of the several funds in the State Treasury, appropriated for public assistance, shall be made by check of a form prescribed and furnished by the Treasury Department, but filled in as to name of payee, and amount by the Department of Public Assistance. As soon after the effective date of this act as practicable, but not later than sixty days after such date, the Department of Public Assistance shall requisition the Treasury Department for supplies of serially numbered blank checks upon which to prepare disbursements for public assistance grants and shall give its receipt to the Treasury Department for such blank checks, provided the Department of Public Assistance shall thereupon enter the name and address of the payee and the amount of payment and such other information as shall be necessary, after which it shall prepare a requisition on the Auditor General in the total amount of such checks, and the Auditor General shall issue his warrant on the Treasury Department in the same total amount. Upon receipt of this warrant, the Treasury Department shall sign and mail the checks to the payees designated thereon. This procedure shall be followed in Harrisburg and at such points outside the city of Harrisburg as the Governor shall determine."

That law was passed in 1939, Mr. President. It is not enforced at the present time. The Department of Public Assistance prepares the checks for the categorical lists—that is, old age pensions and mothers' assistance, dependent children and the blind; the State Treaurer prepares the checks for the general assistance, in spite of this plain direction that was given by the general assembly last year. We were told if the Department of Public Assistance prepared the checks it would result in a saving of fifteen thousand dollars a month. That money has not been saved.

Now, I feel very strongly that any money that is taken out of that allotment for assistance and given to administrative work results necessarily in decreasing the amount otherwise available for assistance; and therefore I want to see this advance as small as possible, in order to increase the money which may be allotted to the unfortunate recipients themselves.

Now let us turn to the Auditor General for a moment. The Auditor General performs two services in connection with assistance, one of which is plainly prescribed by the law, namely, the auditing of the books of the Department of Assistance. That work is well done, and I believe there has been perfect cooperation between the Department of Assistance and the Auditor General in getting it done.

Then, in addition to that, last March or April the Auditor General instituted a system of county checks in various counties, like the one referred to by the Senator from Lackawanna, and it is my recollection he has seventeen county checks at the present time. The information is given over to the Department of Assistance, and again there is no complaint of their co-operation in doing so, but I want to call to the Senator's attention the fact that out of these funds there was taken from the Auditor General, in 1938, when we were not responsible for the financial set-up, $99,129, and that in 1939, when we were responsible to a certain extent for the set-up, there was taken $164,683.

Now, I want to see the work of the Auditor General conducted with the greatest possible freedom. We all believe in audits, and we believe it is necessary to get a good audit and those of us who were acquainted with the present Auditor General, when he served in this State Senate, know he will be very faithful to his obligations. At the same time an increase in one year of seventy-two thousand dollars is heavy.

Last year we appropriated two hundred thousand dollars to the Auditor General. The proposition is now to appropriate two hundred thousand dollars more. That is four hundred thousand dollars for the bennium out of assistance, out of funds set apart for the poor and distressed.

This amendment proposes to cut that by fifty thousand dollars, and it proposes to cut the appropriation to the State Treasurer by the sum of fifteen thousand dollars a month, which could be saved if the law itself were fulfilled and the differences reconciled. They have not yet agreed on the form of a check. I am not going to say whose blame it is; I don't want to enter into that phase of the matter; but I do want to call attention to the fact that the legislation which has been passed by this Senate and by the House and signed by the Governor is not fulfilled at the present time, and it is legislation which would result in economy of administration, and therefore it ought to be fulfilled.

For the reasons I have just given, Mr. President, my opinion is that it is sensible in this appropriation to cut down these two specific appropriations so as to save a large amount for the unemployed. Last year we appropriated a million dollars to the State Treasurer and two hundred thousand dollars to the Auditor General, out of a total appropriation for relief of a hundred and twenty-two million dollars and that was less than one per cent. We are now appropriating, roughly speaking, seventy million for relief; and the additional proposition was $920,000 for these two functions. That is nearly two per cent.

My feeling is that the administration officials are crowding us on the cost of administration a little too heavy, and I think it is time that the legislature, which is directly responsible to the people of this state, called for a check.

Mr. MUNDY. Mr. President, it is very true, what the Senator said about the expense and the allocation of funds to the Auditor General. Nobody questions that. But the point I make is that while this expenditure may seem great for an audit, the fact remains that the Auditor General in the visits of the Auditor General investigators, found that people were recipients of some form of relief

who had never received a visit from any of the investigators of the relief department for a year, twelve months, and that these checks were being sent out from a new list, to people on whom no check had been made.

I say, Mr. President, if you want to take the figures of expenditure you must balance that by the fact I have made the statement that in my native county of Luzerne we have saved anywhere from fifteen to twenty per cent by cutting down on a lot of this relief by activity of the Auditor General.

Now, Mr. President, suppose we only put that at ten per cent throughout the State of Pennsylvania—you have the agricultural districts—but on a hundred and thirty million dollars expenditure you probably have a twelve million dollar saving; and I am only asking you, is an item of fifty thousand dollars sufficiently big to prevent the possibility of that saving?

And I say, too, Mr. President, it is very healthy and it is always proper, no matter how great the interest and how great the desire of any department to affect a proper administration, it is always a good and proper thing to have behind them a check on expenditures of public money, and if we are going to effect this saving, and there is, as the Senator says some minor disagreement about the form of these checks—how they shall be made out and what form shall be followed—I suggest to you that there should be a proper check upon the expenditure of these funds. They have shown a gradual decrease in this relief load of anywhere from ten to fifteen to twenty per cent. Is that not sufficient reason, that amount of saving, to expend fifty thousand dollars.

Mr. WOODWARD. Mr. President, this additional fifty thousand dollars is to be devoted to the payment of from forty to fifty so-called field auditors who are sent out to the various counties to detect any cheating.

Now, such protection is all right, but the question immediately arises, how often do you repeat the checks? It is all right for the Auditor General, of course, to have a financial check but in our Joint Legislative Commission we have a sub-committee on relief of which Mr. VanAllsburg is the chairman, and while I cannot quote the exact language I do not know that this sub-committee decided, or was strongly of the opinion, that this expenditure of money for forty or fifty field auditors, on the part of the Auditor General, is not necessary and is more or less an overlapping. Therefore, Mr. President, I am in favor of cutting down on those forty to fifty field auditors.

Mr. SHAPIRO. Mr. President, I propose to vote for this general appropriation bill of seventy-one million dollars for relief, but attached to this general appropriation bill of seventy-one million dollars in this rider, which provides that out of that fund there shall be paid over to the Treasurer the sum of a hundred and fifty thousand dollars and to the Auditor General the sum of five hundred thousand dollars—the other way around.

Now, Mr. President, when I first saw this bill it came along with other bills, as an administration measure, and the money awarded from that fund originally was agreed upon by the Governor—I am assuming that from the fact these bills were administration bills.

Now, there are two things about these amendments to which I object. I object to them because the reasons given do not seem to me to be applicable, and even if they were true the amendments are totally unnecessary, and I am afraid I shall be obliged to come to the conclusion that the only purpose for the amendments is to pick on two offices which happen to be of a different political complexion from that of the Governor, and I say this advisedly and after considerable thought, because if everything that was said here by the Senator from Montgomery were true, if you left the bill exactly as it was, with the two hundred thousand dollars for the one department and the seven hundred and twenty thousand dollars for the other department, the disbursement of that money to the fullest extent could only be accomplished with the consent and approval of the Governor.

Let me read it to you—I will read it in its original form:

"Out of the monies appropriated by section one of this act, the Governor shall from time to time allocate to the Department of the Auditor General and the Treasury Department respectively, such sums as may be deemed necessary to pay the administration expenses of the Department of the Auditor General and the Treasury Department" and so forth, but not to exceed in the aggregate the sum of two hundred thousand dollars for the one and the sum of seven hundred twenty thousand dollars for the other.

How could you answer the proposition that if you left that bill just as it was the Governor of the Commonwealth of Pennsylvania would have all the control necessary for two responsible departments, or three working together in a common interest, to see to it that only so much of the amount that you have provided for in the bill as may be necessary shall be spent?

Now, what you are doing by the amendment is not only saying that the amount shall be spent as may be deemed necessary, as it was heretofore, but you are reducing the power of the Governor to even permit additional expenses, if necessary in the interest of saving money. And you go further, you violate all the principles upon which the office of Auditor General was created, because you have amended the act so that it now reads instead of as may be deemed necessary this money shall be paid out, you provide that it shall be paid in such sums, as he, the Governor, may deem necessary to pay the administration expenses.

Now, if an Auditor General believes that the Governor of the Commonwealth of Pennsylvania—and I want to assure everybody I make no such charge, but I am using the proposition for the purpose of discussing what the Department of Auditor General means—if the Auditor General decides that a Governor, or anybody in the Governor's department, is using money or is appropriating, money or some of the departments are not spending their money properly, and the Governor of Pennsylvania does not want to investigate that, the Governor of Pennsylvania under this bill could say, I think only five thousand dollars is necessary. I am sure that is not what you gentlemen intend by this bill, but that is what you are doing by it.

Why this great hue and cry over two departments involving two hundred and fifty thousand dollars of expenditure for what you deem to be a necessary and good purpose, when you have not said a word about the fact the administration expenses of the Department of Public Assistance in 1938 were $11,564,000 and in 1939, under this administration they were $13,405,000? There are two millions of dollars that you have not referred to at all, in the administration of this relief, that is being administered by a Democratic administration, and you do not say anything about that.

Mr. President, I recall in previous sessions of the legis-

lature, when Governor Earle was Governor, that the Republicans passed a bill limiting the amount of money that could be spent by percentage for relief. I remember Dr. DeSchweinitz standing before this body and being interrogated as a result of which in the Special Session, when the amount of money was allocated, we allocated so much for distribution of relief and so much for expenses, because the Republican Party had control of the Senate.

Now the Republican Party has control of the Senate again, and it says to the people of Pennsylvania, we know that the purpose of an auditor general is to check—the system of checks and balances—on other branches of the government. We deliberately make our installation of these two officers at a different period of time, for the purpose of allowing those checks to be completed under the administration that existed before, and not be controlled by a new administration; and so we allow these people in the bill a sum, subject to the approval of the Governor, as these parties may deem necessary, up to two hundred thousand dollars, and you come now and say, we have accomplished a wonderful thing; we have cut it down to a hundred fifty thousand dollars.

You did not have to spend that two hundred thousand dollars, if in the opinion of those people it was not necessary, because we all agree those gentlemen will not do what is wrong. Why reduce it because if only a hundred and fifty thousand dollars is necessary that is all that would be spent, but what you have done by the amendment is to say, oh no, you are only going to have a hundred and fifty thousand dollars, whether it is right or not.

That, Mr. President, in the face of what I have said, you have spent close to two million dollars more for the administration of relief generally in your administration.

That leads me to say, or I have the right to argue, that this is just an attempt to make an attack upon two important departments of this government because they happen to be Democratic. I hope I am wrong. You can prove it to me by eliminating these unecessary amendments.

I recall I raised this question in committee yesterday and I made that suggestion to the gentleman who offered that amendment giving the Governor authority to control the Auditor General's department, and I was told there was some merit in my proposition and that the amendment would be so framed that the control by the Governor would not relate to the Auditor General's department.

Some suggestion was made that the Treasurer is not an auditor, but I disagree with that distinction, because when you read the bill you see these matters are allocated to the Auditor General and the Treasurer—auditing, both of them —and if therefore they both perform the function of auditor, to that extent they should be free and untrammeled of any political opposition.

Mr. President, I have made the statement that the figure of relief administration expense was $11,564,000 in 1938, and $13,405,000 in 1939. I have before me figures which I asked the Treasury Department last week when I was here to compile for me, and I have had them distributed to many of my colleagues, and I have the month to month disbursements, and I should like to call to the attention of this Senate the fact that the figures from the Treasury Department show that in January 1938 the administration expenses were $826,590, in January 1939 they were $936,000 and month by month they gradually crept up to the figure of $1,560,000, and down to the figure of $1,257,000 in December of 1939—and are back again climbing up; they went down and now are beginning to climb up this year, so that during the comparative period, the year 1939-1940, the expenses are higher now than they were in 1938.

I made inquiries to find out whether or not this could be blamed on the Treasurer, because when I gave these figures before the committee yesterday I was told my figures were higher than the figures furnished to one of the gentleman, and I contended that the figures I have contained the Treasurer's expenses also, and I asked the Treasury Department to furnish me this morning with the figures which they expended during 1938 and 1939, to see if that could account for the two million dollars difference, and let me read them to you:

In 1938 the total sum of $860,000.00. The monthly periods are unimportant because purchases are made of certain things periodically, so that one month will be much heavier than others. For instance, in January the amount was $33,000 whereas in March it was $130,000; but you will find the average monthly expenditure in 1938 was seventy-one thousand dollars; in 1939 it was seventy thousand dollars, and the present basis is on the basis of $68,400 a month. So you can not charge it to the Treasurer.

Therefore, if you can not charge it to the Treasurer, and there is an increase of two million dollars in the relief administration expenses in your department, and you do nothing about it, but come before the Senate and the public and say, "We are going up to the Auditor General's department and make an unnecessary reduction—because you have control of it anyhow and so you are going to change the control, which was a mutual and practical and sensible control, to an exclusive control you have some tall explaining to do to the public to explain on the basis of necessity, and avoid the charge that it is political.

Mr. WOODWARD. Mr. President, as a member of Mr. VanAllsburg's sub-committee on relief, I am perfectly willing to say that this field work of detecting chislers is not adequately performed by Secretary Russell. I suppose Secretary Russell is a Republican—I do not know—but I am perfectly willing to go after Mr. Russell or after the Auditor General, whether Democratic or Republican; but the moral of this thing is you can not check up with a centralized form of distributing relief, you can not sufficently check up on chiseling; the moral is that the thing ought to be returned to the localities where the thing can be properly done, and so relieve both Mr. Russell and the Auditor General.

Mr. CAVALCANTE. Mr. President, I was mighty glad to hear the gentleman from Philadelphia, Dr. Woodward, express himself as he just did. I can see from that, and from what has been said by this administration, that there is prevalent an attitude of mind to send this relief problem back to the municipalities. I am not ready to argue the merit or the demerit of that particular situation at this time. I am concerned however, intensely concerned, with that attitude of mind on the part of the administration; if that attitude of mind is wise and just then I think we ought to reflect that attitude of mind in all our governmental activities.

Now, I want to make clear just what I mean. If sending the relief problem back to the municipalities is the proper thing to do in so far as our state government is concerned, then gentlemen, by the same token of reasoning we must

admit it would be equally wise on the part of the federal government to take the same attitude.

Now, Mr. President, I would like to see consistency on the part of the administration on that frame of my mind. I do not like to stand on the floor of this Senate representing the people of this commonwealth and hear the administration with one breath pronounce that particular attitude of mind when it concerns the state government but show a direct reverse of that attitude of mind when it deals with the state relationship to the federal government.

If that policy is wise for the state administration then gentlemen of this Senate, surely it must be wise for the federal government in its activities to unload the relief problem back on the municipalities that come immediately under it, which are the states, the individual states; but I am sorry to note that at this time the attitude of the administration is reversed on that point. The Governor in his campaign and members of this Senate are constantly complaining that the federal government is not allotting to our state a sufficient quota of W. P. A. employment. The Governor no longer ago than yesterday made a public statement that if the federal government in this state of Pennsylvania would increase its W. P. A. quota, and permit our needy to get W. P. A. jobs, that it would relieve the acute situation of the administration.

Well now, gentlemen, if it is wise, I repeat again, for the state administration to desire that the relief load finally descend upon the shoulders of the lower municipalities, how much more wise is it for us to desire that the federal government soon unload its relief problem upon the shoulders of the individual states?

Now, Mr. President, I am sincere about trying to help this administration and this Senate in arriving at a just and honest solution of this relief problem. Let me point out one very outstanding thing that has happened during this session of the assembly. Shortly after we met in this special session each and every Republican member knows that he attended a Republican caucus at which Mr. I. Lemant Hughes, Secretary of Highways, gave you certain statistics and figures concerning how he had affected tremendous economies in the administration of his department. In his report to you gentlemen he observed that the highway department's figures show 16,647 temporary laborers employed on May 2nd, as compared with 18,000 on May 2nd of last year and 37,000 in May, during the previous administration.

Now, gentlemen, I ask you, where have those twenty thousand common laborers gone? What are they doing today for their bread and butter? Has private employment absorbed them? I really am not in a position to definitely state that private employlment has absorbed those twenty thousand heads of families in this commonwealth, but I do say this, that attending that drastic economy in the Highway Department there has been reected in the relief load of this Commonwealth a tremendous increase. So I am justified in assuming that if Mr. I. Lamont Hughes has effected drastic economies in the Highway Department, he also has created drastic increases in the relief expenditure of this Commonwealth.

Now, Mr. President I am interested in the whole Commonwealth, not only in those who want relief. There are many, many remonstrances and communications recorded on the Journal of this Senate this morning. You no doubt are sensitive of the wave of opposition throughout this commonwealth about the transfer of special funds for relief purposes.

Now, Mr. President I would like to find a way if possible, and I would like to point out the way to you, how we can please everybody in this commonwealth, allow the administration the necessary funds to carry on the relief needs of the commonwealth and at the same time be fair and just to the municipalities, the counties, the boroughs and the townships, and not unbalance their budgets, and not disorganize the administration of these municipalities.

I can give you my suggestion of a solution, Mr. President of how we can solve this problem and not rob these municipalities of the funds that are going into this appropriation from these special funds. All we need to do, gentlemen of this Senate, is use good common sense and insist that the administration of the departments under it use good common sense; all we need to do here, all that Governor James needs to do, is to call in Mr. I. Lamont Hughes, call in Mr. Russell, his Secretary of Public Assistance, and say, gentlemen, go over the relief rolls, pick out twenty thousand heads of families that receive relief on an average of about fifty dollars a month—that means about ten millions of dollars—and take them off the relief rolls, put them back on highway work, make them work for their money, let them be paid out of the motor license fund, out of the highway fund; let us not transfer these funds from the motor license fund and from the other special funds and put it into the general fund and then appropriate it and give it away to these twenty thousand heads of families without doing any work for that money, but keep that money where it is—ten million dollars of it or more or say we can keep twenty million dollars there—and let Mr. I. Lamont Hughes and Mr. Russell take twenty thousand heads of families off of the relief rolls, and put them on the highway roll where they belong and where the former administration had them. By doing that we will need ten to fifteen million dollars less for this appropriation.

We can save the transfer from the liquor license fund, we can save the transfer from the liquid fuel tax fund, and permit this needed relief also to go down to the sorely pressed municipalities.

Now, we can do that, members of this Senate, and the only thing that is in the way of us accomplishing a good job is that greatest danger which George Washington warned every American against, in his farewell address to the Congress and the Nation—yes, that greatest thing that is in that farewell address, the address that every man that dare say he is an American ought to read and study and appreciate, and let it permeate his mind and his heart and his soul, like it permeated the mind and heart and soul of George Washington, who said, in substance, I fear nothing, but the spirit of party that will possess those in whose hands the administration of our government is going to be put, and that is the curse of this government of this state today, that we are possessed of too much party spirit and not too much public spirit, for if we were public spirited we would be open minded enough, and honest and sincere enough, to see that surely the thing which I have suggested is reasonable and just—yes, reasonable and just—to put back on the Highway Department payroll twenty thousand heads of families, and save ten to fifteen million dollars of this relief appropriation provided for in this bill and let us save but not transfer from these two special funds the money in

which the municipalities are concerned, the amount that the Governor wants.

Gentlemen, that is your solution. We are of the minority on this side, but our party to a man is with you if you sincerely and honestly will tackle this problem and work it out as good public-spirited citizens and not as party narrow minded individuals.

Mr. SHAPIRO. Mr. President, I should like, before making a general statement in connection with the seventy-one million dollars, to interrogate the gentleman from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. SHAPIRO. Mr. President, am I correct in saying that this amendment to the bill, so far as applies to the money payable to the Auditor General and the State Treasurer, resulted from a sub-committee meeting which Senator Edmonds, as a member of that committee, had with the department and Dr. Russell?

Mr. EDMONDS. No, Mr. President, there were three of us—Senator Fulton, Senator Homsher and myself, who went there to find out why the law of 1939 had not been complied with. We had a conference with the Auditor General, Mr. Russell, a representative of the Auditor General, whose name I think was Mr. Margolis, and two representatives of the Treasury. One of the gentlemen, I think, is over there now.

Mr. SHAPIRO. Did that sub-committee investigate the reason for the marked advance in the expenditure of that portion of assistance which is labelled miscellaneous assistance?

Mr. EDMONDS. Well, Mr. President, we confined ourselves to one point. We wanted to know whether or not that law was being carried out.

Mr. SHAPIRO. Well, Mr. President, did the same committee inquire as to whether the law which fixes the persons or the subjects for which this relief is available, is being carried out?

Mr. EDMONDS. No, Mr. President, we inquired whether or not the law which the legislature had prescribed, that the Department of Public Assistance should draft those checks, was being carried out. I have said that four times.

Mr. SHAPIRO. Well, Mr. President, maybe the Senator has said it four times, but I want to be sure of what I am saying, and I want to be sure because I want to make some remarks.

Mr. President, in discussing this general problem of relief, and the appropriation of seventy-one million dollars, I said I am going to vote for the bill; but I think it is only fair at this time to let the members of the Senate know just what I have found out about some of these situations.

I am rather surprised to find that this trick of cutting down has been concentrated, as I say, in two departments. I noticed the resolution in which this Senate requested various heads of departments to present themselves either publicly or privately in committee, to enable us to get the information, I did not feel we were in a position to call on them all individually—it would take every night for two weeks before the Senate could take advantage of individual inquiry from the various departments and get the information necessary to intelligently vote on these bills; so I made the request that these men be brought before us—by committee, publicly or otherwise—and I offered a resolution to have a public hearing tomorrow, at which stenographic notes would be taken, but that was voted down. We were told we could have done it before the committee, and when we got before the committee we were told it would be done if the committee agreed and, of course when I requested that Mr. Hughes be brought, because on his department centers a great deal of the success of this plan and the truth about the plan, the committee met and decided that that was not necessary.

As a result of that, I was told also I could make inquiry, and so far over ten days, and anticipating exactly what would happen, I have been going from department to department trying to get information. I have gotten considerable information from the Treasury Department and the Auditor General's Department, and that is understandable. I requested this morning, when I found out last night we would not be permitted to question the Secretary of Highways, I called his office early this morning, but of course that was too early for the gentleman to be in; so I left word and said I would be available here, and I would appreciate it very much if the gentleman would call me. I have not received any call yet; and I do not propose to continue that, first, because I am too busy, and secondly, I do not feel it will help any, because if I make the statement secretary so and so told me so and so, unless I brought a witness with me to prove it it would not be accepted. I was thinking of taking Senator Fulton along with me, but reconsidered that because it might involve him if I told the truth and he would be embarrassed, and I would not take one of my Democratic colleagues because, being Democrats, you might say to the people of Pennsylvania, as senators you were put in a position where you must vote for the legislation, important as it is, and any expression could only be the impression of the individual Senator, and any Senator—including myself—while meaning well, might give only his own idea of what the picture is. You are not bound to take my word for information I have gotten from what you might call an interested source. If it is wrong I ask you to go to the same trouble I did and find out.

Under the heading of Miscellaneous Assistance, the figure which in January, 1939, was $203,000 has become $918,000 in March of 1940, and $647,000 in April of 1940.

Mr. EDMONDS. What is the item, Mr. President?

Mr. SHAPIRO. The item, Mr. President is Miscellaneous Assistance. According to the figures which I have from the Treasury Department miscellaneous assistance, in January 1939, was $203,000 and in 1940, it had jumped to $570,000. I can not give any explanation of that, but I think we ought to know why.

But this is something I find very interesting about miscellaneous expenses, because I know there is going to be fifty thousand dollars taken from the Publicity Department, I call it; you have given it some fancy name, Department of Commerce or something like that, but it has attached to it a job mobilization program, and I am amazed to find under the heading of Miscellaneous is included any other expenses of operation attributed to the job mobilization program. Now of course, if that had been done by a Democratic administration, I could find fifteen Republicans who would immediately jump to their feet and say, by what right is Richard Brown taking money from the public assistance fund for job mobilization. How much o fit I do not know; and it would serve the gentlemen on the other side right and cause them to raise their voices against me if I charged the same thing about the

whole three hundred thousand dollars, because no one of you have been willing to see we got proper information.

When I am asked, for instance, to vote for a program of the Governor to appropriate seventy-one million dollars, and he says he does not know how long it will last, I also made inquiries about that and I found out we appropriated for relief, I, think, one hundred and twenty million dollars for the two years, and we are now approaching the end of the first year, and the Governor says in his speech, "I do not know how long that will last. Nobody can tell."

Well, I as a business man, and when I make out a budget for the next year I look and see what it cost me the year before and I also take into consideration whether there are non-recurring factors, and whether there should be some eliminations, and I would no doubt get a fairly good estimate.

As a matter of fact, Mr. President, the Commonwealth of Pennsylvania would not be able to conduct its business if it did not have people paid for the purpose of making estimates of what income and what expenses would be. Those tax anticipation notes would not be worth the time it takes to print them if the Internal Revenue Department had not estimated revenue, and you will not get them accepted by decent, honest, responsible bankers, who have a responsibility to their depositors, to make more investments and buy more tax anticipation notes unless you make sure that your estimates are right.

What is the figure, Mr. President? The Governor says he does not know how long this relief will last, but it might be interesting to the people to learn that the relief bill in Pennsylvania for the year 1939 was one hundred forty-four millions of dollars, and that it begun in January with ten million dollars, and it has been up as high as fourteen million dollars a month—that occurred in August—then it went down to $9,900,000 in December, and up again in March of 1940 to $11,518,000.

Mr. President and members of this Senate, I totalled that up and I came to the conclusion that we have already spent more than the one hundred twenty million dollars which we have allocated for relief in this biennium. On the basis of taking the last eight months of 1939 and the four months of this year, we have spent over thirty million dollars more than has been appropriated for relief.

Forget that, and assume this: you have a constant figure of over ten million dollars. In the last four months you have spent close to forty-four million dollars, and when I say four months I mean the first four months of this year, over forty-four million dollars for relief. I have taken the total expenditures, because I notice that the records we get weekly, and I read them, from the Department of Public Assistance, show a decline in dollars and cents on general relief, but it might be interesting to note what is happening to the other figures.

For instance, Mr. President this item of ten million dollars a month is divided into general fund assistance, miscellaneous assistance, categorical assistance and administration. About the administration I have already told you, but general fund assistance has dropped from seven million dollars in January of 1939 to six million dollars in January of 1940; but when you analyze that you find that categorical assistance has risen from $2,400,000 to $3,500,000.

That is, Mr. President, your miscellaneous assistance has risen from two hundred thousand dollars a month to five hundred seventy thousand dollars, and your administration expense has risen from nine hundred thousand dollars a month to one million, one hundred thousand dollars. Of course your general assistance has gone down, because what you have done is to transfer the dependent children over to the mothers' assistance; you have divided the families. I know what has been going on, and anybody who wants to study the situation knows you are taking unemployed and putting as many of them as you can under the terms of the law—I do not say that is a crime—you put them on old age pension and you receive from the federal government a certain amount of contribution; you have taken children and divided families—and you will under the new act have an easy time, taking all the children and putting them under mothers' assistance fund and get a certain portion from the federal government. I do not say that is wrong. But it is not fair to make us think our relief is decreasing; it is not decreasing. Let me say our relief roll has remained static and in some cases it has gone a little higher than before; and we are sitting here and are going to be told, anything you do that will interfere with this plan is going to destroy relief.

My friends, you have destroyed it before you started.

You have not enough money, according to these expenditures, to last you a reasonable length of time. You were taking a fixed per cent and charging it up against other expenditures. You have got only seventy-one million dollars for relief, to take care of April, May, June, July, August, September, October, November, December, January, February, March, April and May. That is what you have got for relief. For at least a period of close to fourteen months you are going to appropriate seventy-one millions of dollars. Is that the kind of a program anybody need be afraid of destroying? If it were not for the fact that it will fall by its own weight I would not even take the trouble to vote for it, because it would not make any difference whether you passed it or did not pass it; you will either be denying relief or you will be back here at some special session before the regular session of 1941, unless something extraordinary happens, and that I hate even to think about.

Mr. President, that is the position this administration is in. You can make all the explanations you want but in order to accomplish this miscarriage called relief you have taken away from the motor fund, absolutely taken away from the motor fund, thirty-seven millions of dollars which would otherwise be used, as was pointed out by the Senator from Fayette, in reducing your relief roll.

Now, if that is the kind of relief program you want, you can have it, but must take it charged with the responsibility that will be yours; and you can not, by telling me that Mr. Hughes, the Secretary of the Department of Highways, wrote a letter to the newspapers and told the members of the House that he would not be affected; you can not, in the face of the provision in the bill, which provides to the extent to which this fund is taken away the activities, the normal activities, of the department, will be suspended; you can not in the face of that provision say to me there will not be any suspension. And you can not, in the face of the fact that when the budget was made up in 1939, Mr. Hughes, as department head, furnished information as to what he anticipated would be required, and what he anticipated would be the expenditures in accordance with the plans, the expenditures for road operations, construction and maintenance, that would

amount to one hundred and sixty-eight million dollars. As I figure up the last twelve month's receipts he will get in about enough money to take care of that and his overhead and administration expenses, which will be somewhere in the neighborhood of one hundred sixty-six million dollars. Now how, in the face of a program to do work which requires the expenditure of a hundred and sixty-six millions of dollars, will he be able to carry out the full work without curtailing his program—when you are taking away from him thirty-seven millions of dollars, which you do not give back to him under the terms of the bill until July 1941, which is the month following the end of this biennium?

Where can any of you gentlemen point to any authority or precedent for the proposition that money that is not returned and not available in this biennium can be used in the next biennium? In other words, when that thirty-seven millions of dollars comes back, if it ever does come back, it will not be spent in this biennium because the time has passed; and it will be a lapsed fund if anything, and it will be taken credit for in the next administration; but in the meantime the work of the Department of Highways will have been curtailed to the extent of thirty-seven millions of dollars. And this curtailment takes place mostly in the maintenance of roads, because with the increase of the number of roads and highways and the mileage we have had in the last few years, you can imagine that the greatest proportion of it will be spent—and if you do not spend it you might find yourselves in the position to which the Governor referred in his address in 1939; let me quote you what he said. I want to confess that while it may be true that in a measure I am covering some other bills that are before the Senate, in discussing this one subject it is difficult to separate the two, and will probably save repetition later.

It is important to point out that the Governor of the Commonwealth when he became Governor, spoke and criticized the method of financing by the diversion of funds and he said "This method of financing, while legal, is undesirable. So far as the motor license fund is concerned the monies borrowed represent the cash from the annual licensing of automobiles and operators and liquid fuels taxes, most of which is needed for road maintenance and construction in the summer and fall. By that time the general fund will have repaid what it owes. In the case of the other funds the situation is different. The laws provide that these funds shall be distributed at certain times to the municipalities. In fixing their budget the municipalities take into consideration the receipt of this cash at the distribution time set by law. The postponement of this distribution for several months upon short notice disarranges the municipal budgets and forces them to borrow and pay interest."

That is what the Governor of the Commonwealth of Pennsylvania said in 1939. He knew all of that. The gentleman from Tioga, Mr. Owlett, was telling us how this would not affect municipalities much, because all they have to do is to go out and borrow it.

"I dislike these transfers", said the Governor, "but I regard them as less evil than the levying of taxes of a nature which would produce the immediate cash."

Well now, of course, if in 1939, before he had the presidential bug suspended beneath and before his eyes, he disliked levying taxes, I assume that he would dislike them much more at this time; and I am sure the nearer we approach the election the more he will dislike taxes or any talk about taxes, but he also disliked something else. He said, "Now, what has the outgoing administration left in the way of estimated income to meet this $487,000,000 of obligations," which he was told at that time would be necessary for relief and for ordinary business expenses—government expenses. He said, "The old taxes and the normal income sources are estimated to yield $202,550,000. The Earle emergency taxes, which I regret to say I must recommend to be re-enacted, for reasons I have already made clear in the message are estimated to yield $163,000,000."

Now he disliked to levy those again at that time. He disliked to re-enact those taxes but his very re-enactment of those taxes indicates at that time he had no other alternative.

Now, between then and now, leaving out the fact that before election he knew how he was going to reduce taxes and yet provide plenty of relief, he has had more than a year, and he has had a commission working for which we authorized an expenditure of thirty thousand dollars, and now he is asking thirty-five thousand dollars more because they have been unable to discover yet how he can raise this revenue without increasing taxes.

Now, Mr. President, with the admission by the Governor that at that time the estimated amount necessary was $487,000,000, he did not increase taxes and provide the relief, but what he did was what I prophesied he would do when I read the budget of this administration, before the two weeks adjournment, he took the estimated income, subtracted $202,000,000 from it, which was necessary for the amount needed for running of the government itself and said the balance is what is necessary for relief, and it is necessary for relief because that is all I have and that is all there will be and that is all I can give unless I break my promise and admit I did not know what I was talking about, and impose new taxes.

He knew then and he knows now this $120,000,000 was not adequate for relief, but that we have for twelve months been spending $144,000,000 for relief, and for the last four months it has been ten and a half million dollars.

He says he does not know how long relief will last. That is a very sad admission for a governor of a great commonwealth like Pennsylvania to make—with all the facts before him. I say he does know. I say he does not know whether it will be twelve million dollars but I say he knows it will be ten million dollars. I say he knows it today, he knows it now, it will be more than ten millions of dollars. I say he knows that in the month of April, when relief was said to be going down, with all the reduction of expenditures now it will be within one or two hundred thousand dollars of that amount.

Let me say, so that I cover the subject once and for all, the reason I am going to vote against every one of these transfers is because I believe the child, the brain that desires to avoid meeting responsibility now because it has an ambition of its own for the future, and this in the midst of this world condition is a great time to stand up and protest against the kind of governmental management that will permit selfish desires politically to interfere with the proper establishment of democratic principles of real government in the State of Pennsylvania.

Mr. MALLERY. Mr. President, I was glad to hear the Senator from Philadelphia, Mr. Shapiro, state once and for all he is through talking on this bill. He has talked

some three or four times this morning on this bill, and then in the concluding remarks of his first speech he stated he hoped he was wrong. As usual, I can assure the Senator he is wrong when he attributes improper motives to members of this Senate who have felt it their duty to amend this bill as they have.

While I am not in favor of taking from the Auditor General's Department the sum of fifty thousand dollars, I do not question the motives of those of my colleagues who might think that should be done. I think they were honestly motivated by an endeavor to see to it all of the money that is appropriated for relief, that is, as much of that money as possible, goes to the people who are in need.

There are a great many people in this state, and a great many people in my senatorial district, who are honestly in need, and I liked the statesmanlike declaration of my colleague from Washington county when he said last night that he was not only going to vote for the appropriation but that he was going to vote for those bills that were going to provide the money for relief. That is statesmanship, in my mind.

I do not know that this program is perfect. Personally I do not think it is, but I long ago came to the conclusion I do not know it all; and I do know that we must take care of the needy. It is not a case that we must—we want to do it.

This administration has pledged itself that everyone within the confines of this great commonwealth who is deserving and who is in need will be taken care of, but I am concerned that those who are not in need and who are chiseling should be taken off.

Now, a sum has been taken out of this bill in the amount of fifty thousand dollars, but there has never been any question but what the functions of the department of Auditor General have been properly performed. The Auditor General, a former member of this body, has the respect of every member of this Senate and I do know, and I have reason to believe that that money has been properly spent; that when these county investigators go out from his department, when they find out they are going to come into the county they drop the chiselers off the relief. I am in favor of having that amount of money returned, so that the chiselers can be taken off.

Mr. MILLER. Mr. President, it is not my desire to comment on the remarks made by the distinguished Senator from Philadelphia, but I would like to refer back to the remarks as made by my colleague and fellow Luzerne countian, Dr. Mundy.

I will say however in so far as the Auditor General's Department making certain investigations of recipients of relief in Luzerne county effecting a saving of some twenty per cent, as he stated, that is commendable; but by the same token, I dare say that the investigators under the direction and supervision of the Department of Public Assistance are thoroughly capable and have performed that duty equally as well.

Following through, this administration has pledged that the arm of the administration will be placed around the needy and His Excellency the Governor, prior to formulating the issues in his call, called together the various departmental heads of this administration, the Republican administration, in an effort to receive from them certain curtailment in expenses, and they have been so noted. Mr. President, I would like to direct the attention of this Senate to the fact that I have been advised authentically that the Department of the Auditor General, as well as the Department of the State Treasurer, was likewise asked to make certain curtailments in expenditure, and I regret very much that I failed to find listed either one of those two departments.

I do not like to make myself believe those two departments are not interested in the needy of Pennsylvania, but I do feel they should at least make some effort in reduction of expenditures to assist in this program we have been called here to carry out.

I believe, Mr. President, this relief program is a program in which each and everyone of us should assume a certain responsibility, and I feel in justice to my constituents back home I should state that my reason in voting for this particular bill as amended is the fact that I feel that those two departments should assume their share of responsibility.

And, Mr. President, I want to concur in the statements made by my colleague from Montgomery, Senator Edmonds, in saying the mandate as set forth by the 1939 session of the legislature should be carried out in so far as issuing the checks are concerned; that should be handled by the Department of Public Assistance.

Mr. EDMONDS. Mr. President, I have four things to say and shall try to say each in a sentence.

First. I want to apologize for referring to my colleague, Senator Mundy, as the Senator from Lackawanna, and I hope the stenographer will correct that.

Second. With reference to miscellaneous expenditures in the Department of Assistance, I think I can give you a breakdown you do not have. I am speaking, incidentally, to the Senator from Philadelphia, January, 1940.

| | |
|---|---|
| Administration | $1,096,639 |
| Medical care, burials and emergency grants | 228,000 |
| Federal surplus committee's distributions | 28,227 |
| Sponsorship of W. P. A. projects | 82,986 |
| Auditor General | 17,389 |
| State Treasurer | 69,880 |

In other words, there is a reason for the excess arising out of the increase of some of the functions.

Now, Mr. President, the Senator says to me, leave this in such a way that the Governor may award what he deems necessary; why not do that and leave it up to the Governor?

Mr. President, that is not my conception of legislative responsibility. It is my feeling the time has come when we should serve some of these departments with notice the state itself is in a bad way because of the relief load and it is necessary the departments themselves should cooperate, that the regular functions of the state should be performed and no extra burden carried.

Third. The State Treasury, as has just been stated, is going to be cut by one hundred and fifty thousand dollars, measured by fifteen thousand dollars a month, which can be saved by complying with the law that the legislature of 1939 prescribed. I heard no objection to that.

Auditor General. These are calendar months. I did not get it for the biennium. In 1938, it was $92,229; and for the two years $184,000. This legislature, if it passes this bill will give the Auditor General $350,000 out of assistance in this biennium; first two hundred thousand dol-

lars over and then a hundred and fifty thousand dollars more—that is two dollars for every one he had before.

It seems to me on that basis, Mr. President, there is no disposition to cut down the good work the Auditor General has done; it is, rather, providing it on a regular basis so that there may be an expansion of the department to take care of all the extra work.

Mr. President, I ask my colleagues to vote for this bill, because I believe with this amendment it embodies an excellent change.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Montgomery, Mr. Edmonds.

The PRESIDENT. Will the Senator from Montgomery, Mr. Edmonds, permit himself to be interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, did I understand the first figure was a million dollars.

Mr. EDMONDS. $1,096,639, Mr. President.

Mr. SHAPIRO. How can that be a breakdown of miscellaneous assistance when the total for January, 1940, was $570,996.56?

Mr. EDMONDS. Mr. President, I understood the Senator used a figure of a million and a half, and it is the breakdown of that figure.

Mr. SHAPIRO. Miscellaneous assistance was $647,000 in April. That million dollars could not be a breakdown of that, Mr. President.

Mr. EDMONDS. It is, Mr. President. General fund assistance, special assistance, categorical assistance and everything else. That is the breakdown.

Mr. SHAPIRO. Mr. President, the Senator from Montgomery did not include, if he had it, the amount for job mobilization. Will the gentleman from Montgomery give us the figure Mr. Brown got for job mobilization expense?

Mr. EDMONDS. Mr. President, there is nothing I have here that indicates anything.

Mr. SHAPIRO. Mr. President, nobody else can find anything out about it either.

Mr. SIPE. Mr. President, I believe the Senator from Blair, Mr. Mallery, misunderstood a part of the remarks of my colleague from Washington, yesterday. My recollection wholly coincides with the recollection of Senator Reed himself, that he did not say he would vote for all these transfers.

Mr. MALLERY. Mr. President, I do not think I said that.

Mr. SIPE. Let that pass, Mr. President. There can be no misunderstanding in the statement of the Senator from Blair, that there are chiselers on relief. I am right about that?

Mr. MALLERY. That is right, Mr. President.

Mr. SIPE. Mr. President, that is true, there are chiselers on relief, and every right-minded person, every right thinking citizen wants the chiselers weeded out, but over my way I noticed that the relief administration comes around and arrests some poor little fellow who has chiseled maybe five, ten or fifteen dollars, so that I want to say, just be honest about it in this chiseling situation; the Governor of this commonwealth has set a horrible example for those who are prone to do a little chiseling.

What did he do? Did he not loaf on his job for ten months, as judge of the Superior Court of Pennsylvania, and chisel the taxpayers of this commonwealth out of fifteen thousand dollars?

That is the kind of example he set, and for this loafing on that job, and drawing his salary, of course, he was rebuked by the American Bar Association, so that I pronounce Governor Arthur H. Juggler James the number one chiseler of Pennsylvania.

Thank you for the hisses. The truth is very obnoxious, but we will speak it anyway. Speak it anyway, Mr. President.

Here we are requiring the unfortunate man on relief to give a bond to the extent of two thousand dollars. We are mortgaging his descendants with that bond. I am not for that bond; I am for another bond. I am in favor that the Governor of this commonwealth be required to sign a bond conditioned for the repayment to the State Treasury of Pennsylvania of the fifteen thousand dollars of the taxpayers' money that he chiseled while loafing on his job for ten months as Judge of the Superior Court. That is the bond I am for.

Mr. DENT. Mr. President, I do not intend to delay the action. I have here a statement addressed to Governor Arthur H. James, on the problem of relief, presented by a Pennsylvania labor delegation representing 250,000 organized workers, and I ask that it be recorded in today's Journal, as referring to this particular bill.

The PRESIDENT. The request will be granted. Referring to this particular bill?

Mr. DENT. Yes, Mr. President.

The clerk read the statement as follows:

STATEMENT TO ARTHUR H. JAMES
ON THE PROBLEM OF RELIEF

PRESENTED BY PENNSYLVANIA LABOR DELEGATION
REPRESENTING 250,000 ORGANIZED WORKERS

The present session of Legislature has been called to take up the emergency situation in connection with unemployment relief in the State of Pennsylvania. May we state from the outset that labor and the unemployed of the State of Pennsylvania, the taxpayers and the farmers of the State, are aware of the fact that the present special session would have been unnecessary if the Governor and the Legislators would have had the interest of the taxpayers at heart. Already at the last regular session, it was clear to all in our State that the policies of the present administration in regard to meeting the needs of the unemployed and the appropriations made at the last session was entirely inadequate and would inevitably result in a relief crisis. This session will only add an additional burden of over half a million dollars on the taxpayers which could have been saved for beneficial purposes.

In the State of Pennsylvania, unemployment and relief remain the State's number one problem. According to known figures, there are today over 600,000 persons depending on State Unemployment relief. These, of course, do not include the thousands of persons who apply and who are eligible but who are denied relief by the agencies in charge. The amount of relief allowed to unemployed is entirely inadequate. At present, single persons are given $4.40 a week, $11.30 is allowed for a family of four, an average of some 38c per day per person. In addition to this, the last session of Legislature has imposed the Eckels Milk Bill, making it compulsory for all unemployed to purchase a pint of milk daily to each child under 16. This amount is deducted by the Relief Board from the regular relief allowance and turned over to the milk companies. Experience has proven that this law benefits the milk trust although it was passed under the excuse of helping the children of the unemployed. The unemployed are also confronted with the problem of rent. The present State allowance for rent is entirely inadequate. No person can rent a home on this meagre allowance. The result of this policy is that the landlords compel the unemployed to turn over to them as much as half of the monthly relief

allowance for rent. This leaves most families on relief without adequate food, clothing and other immediate necessities. Organized labor considers these standards a violation of the very intentions of the State Relief law which declares that relief grants must meet a standard of decency and assurance of good health for our unfortunate citizens.

The present session of Legislature has before it the proposals of the Governor for a relief appropriation of 71 million dollars to cover the period up to January first. 1941. This amount is entirely too low and will not meet the needs of the unemployed. Compared with the 124 million dollar appropriation by the Earle Administration, it will expose the unemployed to further misery and starvation. In addition, labor is opposed to the present administrations' proposals and the Governor's recommendation to the method of raising this money. It is proposed that some thirty million dollars be transferred from the highway department fund. This will only cripple needed improvements and projects for the repair of country roads and bridges, will upset present plans to give work to people without jobs, and will force the county to make additional lay-offs of employees now at work in various counties. The Governor also proposes to transfer Pennsylvania cities' share of liquor and gas tax. Labor again is opposed to this arrangement since it will upset the city budgets and only compel the municipalities to borrow money from the banks, pay a high rate of interest and then shift the burden of new taxation on to the taxpayers. The Governor proposes to cut present appropriations to State sanatoriums and institutions which will only add more suffering to our unfortunate sick and will endanger the already inadequate functioning of these much needed establishments. As we examine carefully the entire policy of the present administration and the Governor to meet the burning problem of unemployment relief, we think of the promise that the Governor made to the people of Pennsylvania in the last election campaign, JOBS FOR ALL WHO WANT THEM, RELIEF FOR ALL WHO NEED IT, was the cry of the Republican candidates headed by the Governor. Labor demands that this promise be fulfilled.

Labor in the State of Pennsylvania is a constructive force and is fully aware of its responsibilities to its members and to the citizenry as a whole. We therefore present the Governor and the State Legislature with the following program to meet the present relief crisis:

1. That the present session of the Legislature appropriate 125 million dollars for unemployment relief.

2. That present relief grants be increased to meet rent standards and the increase in the cost of living.

3. That the Eckels Milk Bill be repealed.

4. That labor be given representation on State and County Boards.

The appropriation needed for unemployment relief should not be raised by juggling funds. Labor proposes a program of taxation upon large incomes and corporations, and inheritances based upon the principle of making those who are able to carry the responsibility for the relief expenditures.

These proposals are practical and reliable. They are necessary in order to preserve the health and the morale of our unemployed. If the present administration in Harrisburg wants to make good its promise to the people, it must adopt this program and carry it into effect.

The special session of the Legislature, in accordance with the call, will also consider certain legislation dealing with workmen's compensation. Labor therefore wishes to present its position on this vital question. The unemployment compensation system was set up to help those workmen who are laid off from work to carry these workmen over for a period of weeks or months until they find regular employment. Labor feels that the present system is by far inadequate . . . that the past period has been an experimental one and the experiences gained should be used to promote and further improve this system in order to serve and benefit those out of employment. At present there are 26 million dollars in the State Unemployment Insurance Fund that are lying idle. Yet, the average weekly payment of Unemployment Insurance amounts to only a few dollars per unemployed persons. Labor proposes the following changes in the present act:

1. That the weekly payments be raised to a minimum of $20 a week.

2. That the 13 week period be extended to 26.

3. That the waiting period be cut down from 3 to 1 week.

This progressive revision of the Act will help to ease the burden of unemployment relief, will provide those laid off with the minimum security for a longer period and will permit the 26 million dollars of idle money to get into circulation and benefit the worker, the employer as well as business in our State. Labor is also opposed to the unemployment insurance tax exemption to large employers proposed by the Governor. We feel that current profits do not justify any decrease or exemption of large employers.

If the Governor and the Administration intend to go through with their present program in spite of the overwhelming opposition of the people of Pennsylvania, the responsibility for these acts and consequences for the suffering of our citizens will be with the present administration.

Mr. DENT. Mr. President, also before I leave the floor, I intend to read a letter that may be of some information to those who are too prone to call the recipients who receive relief chiselers. This letter is addressed to me as of yesterday.

The PRESIDENT. What does this refer to? This bill?

Mr. DENT. Mr. President, it is on the same subject that has been the topic of conversation for the last three hours; this bill and relief subjects.

"Jeannette, Pa., May 13, 1940.

"Hon. John H. Dent,
State Senate,
Harrisburg, Pa.

"My dear Senator:

"This will acknowledge receipt and thank you for your letter of May 10th.

"I left no other message with the girl, because I intended to return within a few days, and of course, take the matter up with you personally.

"Much as I dislike to have any changes made on my relief case, may I kindly ask you to make a protest in behalf of my family and justice.

"I think it's unfair to compel my wife to sign an A. D. C. application at the point of starvation, and to support this fact, I would say that the State relief authorities refused to give us any further checks until my wife signed same under the said coercion manner. For as you know, that this would be a rule of force, not of right, and does not give justice to a needy person. Surely the family of a person maimed in the State industry should not be barred from remaining on the general assistance list.

"It's unfair to put my wife and children on partial Federal relief, in order to save money for the Commonwealth, and of course, do me an injustice, by eliminating me as the head of the household. This puts me in an unusual predicament, inasmuch as it makes me as a child or grandchild over sixteen years of age coming to live with the family. It seems that I am viewed as an outcast, hopeless, dead and as a criminal under parole by the Department of Public Assistance.

"I have some other personal matters to discuss with you, however it will be necessary for me to take this up with you whenever you return home.

"Any assistance you may be able to give me in the regrettable relief affair will surely be most sincerely appreciated.

"Trusting that you will kindly render this favor, I remain

Sincerely yours."

The point in that letter, Mr. President, is that this man was hurt in industry and is unable to work and the Department of Public Assistance has asked that he and his family be taken off the state public assistance rolls

in order that his wife may make application, in order that the federal government can carry part of the load, which is justly our burden.

Mr. President, I only want to bring out the further thought, when you decide on the amount of the appropriation you give some just credit to the federal government, which is carrying a great portion of the burden of the State of Pennsylvania.

In the same vein, Mr. President, no one here has stated just how much of this relief money has been spent by the Department of Commerce in this job mobilization campaign.

I do not know how many of you men have analyzed this Department of Commerce, but from the advertisements that I see in the News Week and the Saturday Evening Post, and other nation-wide publications, I would say instead of a Department of Commerce it is purely a ministry of propaganda, with the head of it known as Harold Gobells Brown, interested more in advertising James for President than in giving justice to the people of Pennsylvania.

The PRESIDENT. Spectators are not permitted to make demonstrations and any further demonstration will necessitate clearing gallery.

Mr. MUNDY. Mr. President, when I originally brought this subject up I wanted to present it to the Senate without any political basis and on the basis of merit entirely, but the issue since my introduction of the subject has been much confused with irrelevant material. I can see the Senator from Montgomery has very good sound objections to the idea of putting this into the hands of others, but I think perhaps if I would be permitted to read this statement regarding the functions of the Auditor General, it might have some bearing upon the decision arrived at before this bill is on final passage.

In reporting this bill to the Senate yesterday, Section 3 was amended to reduce the limit by which the Governor may allocate to the Auditor General for auditing expenses from $200,000 to $150,000.

In view of the great amount of money that is being appropriated to the Department of Public Assistance, this seems to be a paltry amount to be allocated to the Auditor General in order that he may comply with the provisions of the Fiscal Code, Section 404 of which, as amended, provides that "The Department of the Auditor General shall carefully audit and examine all requisitions calling upon the Auditor General to draw his warrant upon the State Treasurer for the payment of any money out of any fund of the State Treasury."

Not only does the law charge the Auditor General with auditing every requisition presented for payment, but the Fiscal Code requires his department to make at least one audit annually of the financial affairs of every department of the executive branch of the State government, and that includes the Department of Public Assistance.

It may interest you to know the Department of Public Assistance submits 28 percent of the total requisitions presented to the Auditor General by all of the Departments and agencies of the State government, and it may be of further interest to you to learn that the cost of auditing the requisitions of the Department of Public Assistance by the Auditor General is only about 23 percent of the total auditing expenses of the Auditor General's Department.

Now, if additional work, the auditing of requisitions amounting to some $71,000,000, and you know that these requisitions for the payment of relief checks in every county are drawn not once a month, but every week, is placed upon the Auditor General, how is it possible, I ask you, for him to comply in a proper manner with the provisions of the Fiscal Code without adequate funds to carry on his duties? It may be of interest to my colleagues at this time to learn what are the functions of the Auditor General's Department with respect to the audit of the financial affairs of the Department of Public Assistance.

First, There must be an examination and review of requisitions issued for direct and categorical relief, including administrative disbursements.

Second, There must be an examination and review of eligibility changes of categorical cases, comprising Old Age, Blind and Aid to Dependent Children.

Third, There must be a review of direct relief cases, including field investigations with respect to eligibility.

Fourth, There must be a review with an audit of restitution claims and sundry receipts.

Fifth, There must be sorted and filed approximately 1,250,000 cancelled checks, including warrants and requisitions, every month.

Even through the efficient business methods that have been adopted by Auditor General Roberts in the operation of his departments, may I ask, how is it possible for him to carry out his duties upon a maximum expenditure of $150,000 when the Commonwealth is expending more than $71,000,000 for general relief purposes?

In this connection, I want to speak of a single phase of the Auditor General's work in connection with his audits of the Department of Public Assistance, namely, that of his eligibility audit made through field investigations. This work was begun by the department February 1, 1939, and was terminated March 1, 1940, due to lack of funds.

During the year tha tthe Auditor General had his field staff operating throughout the State, visits were made in 33 counties in various sections. Nearly 50,000 relief recipients were examined by the field auditors, with the result that exceptions were taken to nearly 22 percent of the cases reviewed with a weekly saving to the State of narly $15,000 either through the discontinuance of relief payments or reductions in amounts paid. In addition, there was a great saving to the State made on the recommendation of the Auditor General by the transfer of more than a thousand families from the direct relief rolls to the special assistance rolls, such as the Blind, Old Age and Aid to Dependent Children rolls, where from one-third to one-half of the expense is borne by the Federal Government.

In no other department of the State government, are real savings to the taxpayers effected through audits and investigations such as have been carried out by the Auditor General in the performance of his duties. And, I do not believe that the amounts that have been saved in each county through the dropping of relief beneficiaries from the rolls who were improperly on those rolls, through reductions and through transfer to special assistance rolls approximate by any manner or means the actual savings to the Commonwealth on account of the manner in which this investigation and audit is conducted. The psychological effect of the audit itself upon the relief recipients and those who administer the relief funds in the counties undoubtedly has the effect of tremendous savings.

During the year that this system was in effect, the Auditor General's staff completely checked all the relief

recipients in 17 counties, and spot checked those in 16 other counties.

I can cite you the result of the investigation and audit in my own county of Luzerne. There the Auditor General's staff interviewed 5,995 persons who were receiving direct relief through the Department of Public Assistance. Exceptions were made by the investigators in 4,180 cases. Upon recommendation made by the auditors, the Department of Public Assistance struck 218 cases from the relief rolls. Reductions in the weekly payments were made in 357 cases. In 156 cases, persons receiving direct relief were transferred to the special assistance rolls. There were 116 cases recommended for further investigation, and in 3,070 cases home visits were recommended. The weekly saving effected was $2,281.80.

In the 33 counties in which the field auditors made their investigations 47,800 separate relief cases were reviewed, resulting in 1,613 being discontinued and budget reductions in 2,002. To the special assistance rolls, 1,059 were transferred. In addition to these cases, the auditors recommended 4,515 to the Department of Public Assistance for home visits and further investigations. Altogether, in the 33 counties the weekly savings amounted to $14,571 from discontinued cases and reductions alone. This sum does not include the savings to the State through the transfer of more than a thousand cases to special assistance.

The work that the Auditor General is doing toward the reduction of the relief load in every county by the elimination of persons who are not entitled to relief under the law, those who are being paid greater amounts than is legally due them and those who are improperly on the general assistance rolls when they should be on the special assistance rolls, where the State pays only a portion of the expense has met with general commendation and praise from non-partisan and non-political sources everywhere in the State.

From the Harrisburg Telegraph, a Republican newspaper, came these words of editorial commendation:

"With the forces of Assistance Secretary Russell teaming up with those of Auditor General Roberts in the county-by-county audit of active relief cases launched by the fiscal officer facts ought to come out in the next few months. There have been many allegations and intimations about people without valid cause roosting on relief rolls. Folk even insist millions could be saved by chasing them off.

"These departments will work in a spirit of hearty co-operation and Russell says what Roberts has undertaken is most 'valuable.' The fact the two governmental officers are on opposite sides of the political fence means nothing in this new effort. Their people are instructed to pull together and everyone connected with the county offices of the relief system has been instructed to furnish the auditors all records and information desired. The same facilities have been accorded to Federal officers who are making an individual case audit in old age and children's help.

"Such checks are healthy methods of getting after facts and the co-operation is likewise a healthy sign."

Mr. President, let me quote from The Pittsburgh Post-Gazette, another Republican newspaper, commenting upon the results of the Auditor General's investigations in Lycoming county, said in part:

"The recommendation of Auditor General Warren R. Roberts, Democrat, that 13 percent of the 1,806 relief cases be dropped, transferred to another agency or investigated further is based upon a significant disclosure. It is the result of a door-to-door canvass made by his investigators in just two days in connection with the distribution of relief checks.

"In 126 of the cases examined, the State relief grant was found to be wholly unwarranted.

"Regardless of how these provisions are viewed, they are reminders that there never has been any satisfactory survey of the relief lists in the face of constant charges that they are padded. Heretofore, with the exception of the Auditor General's office, only relief workers have had access to the relief rolls.

"In view of the mounting cost of relief, closer inspection of the lists is forced. Whether the possible saving is 10 per cent or more, it is time that it should be effected."

Less than one-half of the counties of the State so far have been visited by the Auditor General's field staff. Here you have the concrete results of what has been accomplished.

Do you want these investigations, continued, or shall they be abridged in order to cut a paltry $50,000 from the maximum amount that this Legislature says must be allocated by the Governor for Public Assistance audits?

Now Mr. President, before I leave the floor, to the Senator from Montgomery I want to say I am happy to have been mistaken—he is a brilliant scintillating orator from an adjoining county—and to my colleagues I want to say we have absolutely no quarrel, we agree on most things excepting what might be considered strictly party matters.

And the question recurring,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Letzler, | Scarlett, |
| Cavalcante, | Gelder, | Mallery, | Shapiro, |
| Chapman, | Geltz, | McCreesh, | Sipe, |
| Coleman, | Glison, | McGinnis, | Snowden, |
| Deitrick, | Haluska, | Miller, | Stevenson, |
| Dent, | Heyburn, | Mundy, | Stiefel |
| DiSilvestro, | Homsher, | Owlett, | Tallman, |
| Ealy, | James, | Pierson, | Thomas, |
| Edmonds, | Jaspan, | Reed, | Walker, |
| Eroe, | Kephart, | Rice, | Wolfenden, |
| Farrell, | Lanius, | Ruth, | Woodward, |
| Frey, | | | |

NAYS—1

Jacobs,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 5, (House Bill No. 2), as follows:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The State Treasurer is hereby authorized and directed from time to time between the effective date of this act and May thirty-first one thousand nine hundred forty-one to transfer from the Motor License Fund to the General Fund such sums not exceeding in the aggregate the sum of thirty-seven million dollars ($37,000,000) as the Governor shall direct Transfers shall be made hereunder upon warrants of the Auditor General upon requisitions of the Governor.

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified.

Section 2 The amounts transferred under this act from the Motor License Fund to the General Fund shall be repaid to the Motor License Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, to that which has already been said about this bill I should like to add a further thought, so that it will be noted on the record. I am not unaware of the fact that this transfer makes now available to the various counties, in addition to the liquid fuel tax, eleven million dollars and the other funds that go with this bill; it also make now available to the various counties the balance due to them under the Parkinson Tax which was to pay back to the counties some eight million dollars for road work.

Only one million four hundred and some odd thousand dollars has been thus far paid under that law, and, Mr. President, on the balance of some six and a half million dollars the payment will be postponed if this bill is passed.

Mr. JACOBS. Mr. President, I desire to interrogate the chairman of the finance committee.

The PRESIDENT. Will the Senator from Tioga, Mr Owlett, permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. JACOBS. Mr. President, the Senator will remember in 1939, at the regular session, we passed an appropriation act appropriating money to the Highway Department, to be spent in second class townships for the maintenance and construction of roads. The act provided that payment should be made by the Highway Department at certain specific times to those townships.

Mr. President, I would like to ask the Senator from Tioga if that appropriation is affected by the act under consideration or any of the other acts we contemplate passing today.

Mr. OWLETT. Mr. President, in answer to the question of the Senator from Cumberland, I wish to state it is my information that the passage of this House Bill No. 2 will in no way affect the payment to the townships under that act.

This, as I pointed out yesterday in the debate on this bill, is an act which makes available for relief receipts of the Highway Department, receipts which come in between now and May 31st, which will not be used or needed in any normal road program until after their return to the fund at the end of May, 1941; and in no way will this curtail the normal activities of the Highway Department.

Mr. JACOBS. Then, Mr. President, do I understand that these payments will be made at the time designated in the act?

Mr. OWLETT. Mr. President, that is as I understand it. In other words, this act transferring thirty-seven million dollars from the motor license fund to the general fund of this commonwealth and making it available as a credit, is not a transfer tomorrow of so much cash from the Highway Department but a transfer of expected revenue against which tax anticipation notes can be issued and the money made available, which would not be used by the Highway Department until after it is returned to the Highway Department. That money is made available for relief purposes.

Mr. JACOBS. Then, Mr. President, is it the understanding of the Senator from Tioga that enough money is at present in the Highway Department to make these payments to the townships?

Mr. OWLETT. Mr. President, as I understand it, the money is in the Highway Department. The money is now in the Highway Department which has been levied by way of license fees and taxes on gasoline, and that money will not be disturbed, and it will be used to carry out the regular functions of the Highway Department. Among those functions, Mr. President, are payment to the townships of the amounts allocated to take care of township roads.

I am certain, Mr. President, there is no thought of curtailing the expenditures on township roads, or any other expenditures of the Highway Department, by this transfer. This money, as stated by the Secretary of Highways repeatedly is money which under no circumstances would be used by the Highway Department until after its return at the end of May, 1941.

Mr. JACOBS. Then Mr. President, I would like to ask the Senator from Tioga if these township roads, being the beneficiaries of a specific appropriation, are in a preferred position over the general highways in the State of Pennsylvania; in other words whether it is the opinion of the Senator from Tioga that it would take an act at this session, reducing the appropriation to the townships, to affect the appropriations already made.

Mr. OWLETT. Mr. President, I do not so understand.

Mr. JACOBS. In other words, Mr. President, the township roads would be in the same position that the general highways of the commonwealth are, in that the Department of Highways could at its discretion spend money they have on hand to repair or maintain their regular highways, or give it to the townships under this appropriation act.

Mr. OWLETT. As I understand it, Mr. President, the act we passed in 1939 provided for a certain allocation to the townships, to be used by the township supervisors, and under their control. I think the Senator will remember the discussion held in connection with those provisions to repair township roads. That plan was started long ago, under what was known as the Parkinson Act, and carried in each session of the legislature.

Now, Mr. President, when the Highway Department begins its biennial period it sets up a budget; it budgets its income. Of course, in that budget is the amount allocated to townships.

This amount of thirty-seven million dollars, Mr. President, represents funds which will come in after the first

of the year, and which would not be used by the Highway Department until the following year.

Mr. JACOBS. Mr. President, the Senator means that—

Mr. OWLETT. May I interrupt the Senator just a moment, Mr. President?

Mr. JACOBS. Of course, Mr. President.

Mr. OWLETT. Mr. President, after this discussion arose the Senator from Susquehanna, Mr. Gelder, called the Secretary of Highways to see if my understanding was correct, and he was advised that it will in no way affect, in any particular, the use of money for township roads.

Mr. DENT. Mr. President, recently I read a newspaper article credited to the Motor Truck Association, and according to the article they were in agreement with the Governor on his program. I therefore got in touch with certain individuals and I want to present to the Chair, for inclusion in the record, a resolution passed by the Pennsylvania Motor Truck Association against this particular transfer.

The PRESIDENT. The resolution, together with the remarks of the Senator from Westmoreland, will be incorporated in the Journal.

Mr. CAVALCANTE. Mr. President, I should like to hear the resolution anyhow.

The Clerk read the resolution as follows:

"Whereas, The motor vehicle operators of the Commonwealth of Pennsylvania are continuously threatened with diversion of motor taxes paid by said operators to purposes alien to the building and upkeep, and

"Whereas, Such diversion will prevent necessary improvement of the highway system of Pennsylvania, and thereby increase the danger of operation of motor vehicles; and impose inequitable tax burden upon said operators as a class; take jobs from working men through halting road improvement and construction work; and hamper the movement of traffic upon the highways, which is so important to general business, industrial and social life; and

"Whereas, The main highways of Pennsylvania are in urgent need of repair and/or reconstruction in many sections to remove hazards to highway safety; to provide main thoroughfares over which modern traffic can move swiftly, efficiently, and economically; to permit the trucking industry to serve the public demand efficiently; and give to operators of motor vehicles a full and just return on their highway investment; and

"Whereas, The motor truck operators in this state contribute a share of motor and gasoline taxes, aggregating at least $27,000,000

"Therefore, Be it resolved that the Pennsylvania Motor Truck Association, Inc., is unalterably opposed to diversion of highway funds, no matter what form it may take and urges the adoption of constitutional amendment prohibiting the use of highway funds for other than highway purposes, as the only practical and permanent means of preventing this diversion; and

"Be it further Resolved That copies of this resolution be forwarded to the Governor of the Commonwealth of Pennsylvania, Secretary of Highways, to the other chief executives of the Department of Highways, and to all the members of the Legislature of this Commonwealth.

Signed

HOWARD D. GIBBS,
President."

Mr. SIPE. Mr. President, I know that in spite of all the ballyhoo to the contrary, the transfer of a vast sum from the Highway Department will adversely affect the highway building program, yet I feel I must vote for this bill.

The roads back in my part of the state are in a neglected condition. I know that, and everybody else who will travel over them will agree with me, but yet, the right of the hungry to be fed is superior to the right of the motorists and truckers and so on, and while I dislike to vote for the bill, I feel I must do so for humanitarian purposes.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Susquehanna, Mr. Gelder.

The PRESIDENT. Will the Senator from Susquehanna permit himself to be interrogated?

Mr. GELDER. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, will the gentleman from Susquehanna state whether the Secretary of Highways did inform him and assure him that the money will be allocated to the various townships comformably with the act of assembly—biennially.

Mr. GELDER. Mr. President, I did not ask him about the payments biennially. I asked him whether or not it would in any way interfere with the fund that had been set up in the last session allocating the so-called Parkinson money to the townships and he said absolutely it would in no way interfere.

Mr. CAVALCANTE. Mr. President, did the gentleman from Susquehanna ask the Secretary of Highways whether the money so allocated to the townships would be paid on time?

Mr. GELDER. Mr. President, it will be paid just as it has always been paid, after they have sent him their requisitions, I understand from the secretary.

Mr. CAVALCANTE. Mr. President, will the gentleman then suggest we are right in notifying our municipalities back home that the money will be paid on time?

Mr. GELDER. Mr. President, I am certainly not going to assure the Senator he can make assurances for me as to anything that will be done in Fayette county, because I do not know whether or not the gentlemen in Fayette county will comply with the provisions of the act.

But I do say, notwithstanding what the gentleman from Philadelphia told us, and which concerns me very much, that that fund would be disturbed, the Secretary of Highways who has charge of the fund, says it will not, and I am ready to take the word of the Secretary of Highways.

Mr. CAVALCANTE. Mr. President, I am not here to oppose the passage of this bill; I merely want to be sure that I may state to the road supervisors of my county that the money allocated to them by the appropriation bill will be paid on time. I have no desire to confuse the issue, I merely want to be assured. I do not like to stand idly by and accept the equivocal and uncertain statements made by the gentleman from Tioga or the gentleman from Susquehanna on that point. The township supervisors—

Mr. GELDER. Mr. President, will the Senator from Fayette, yield for a moment.

Mr. CAVALCANTE. Certainly, Mr. President.

Mr. GELDER. Mr. President, I would like to ask the gentleman from Fayette whether or not the statement of the secretary that it will be in no way affected is equivocal in any way?

Mr. CAVALCANTE. Yes, it is, Mr. President. It will not be affected does not mean to me he will pay it out on time. It leaves the townships in the lurch, as to whether he will pay it out on time; he may not pay it out to the municipalities until next year sometime.

Mr. GELDER. Not if the gentleman understands the English language, Mr. President.

Mr. CAVALCANTE. Mr. President, the farmers of my county depend on the manner in which the road supervisors maintain the roads for them to get out of the mud

and bring their produce and everything to the market; and unless we have some assurance that this money will be paid on time, then we will have to tell our road supervisors you had better prepare some other way of getting your money, so that you can keep the roads in repair and let the farmers get to town.

I merely want to make certain; I don't want to be left in the lurch. I intend to vote for the passage of this bill, but I would like to vote for it being satisfied, without any doubt that the Secretary of Highways is going to allocate this money on time and not keep us in suspense.

Mr. COLEMAN. Mr. President, I desire to interrogate the Senator from Susquehanna, Mr. Gelder.

The PRESIDENT. Will the Senator from Susquehanna, permit himself to be interrogated?

Mr. GELDER. I will, Mr. President.

Mr. COLEMAN. Mr. President, I would like to ask the Senator how he can justify his answer to the Senator from Fayette, that there will be no curtailment of highway work, with his opposition to the amendment offered by the gentleman from Philadelphia, Mr. Shapiro, yesterday, which would have the effect of deleting from the bill the provision that the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified.

Mr. GELDER. Mr. President, I do not know that I said the general program would not in any way be disturbed; I said specifically the fund which was to go to the supervisors would not be affected.

We all know and admit, Mr. President, that there will be a postponement of payment in some of these funds, because that has been threshed out on this floor. I see the gentleman from Philadelphia seems very much surprised. The Senator from Philadelphia has talked to us for hours on that subject, and we have been told they perhaps will have to borrow money; and we also have the opinion of the Attorney General that they can borrow money. Mr. President, this surely is a time when the local municipalities and local counties, which have been relieved from the great burden they had, a burden which certainly would have submerged them, perhaps should yield just a little at this time to help the state in with the problem we have.

I want to say too, Mr. President, the greatest amount of opposition that is coming to this program at this time is coming from counties that are going to receive the largest share of the money being raised the largest amount of this seventy million dollars. Many of the counties of Pennsylvania could perhaps do without it, and they are going to have to suffer that these counties that are represented by the gentlemen here who are raising objections may have the money, so that the people within their confines shall be fed; and we admit that is a duty which we have to fulfill to assume that responsibility and assist them in the problem they have in their home districts.

Mr. COLEMAN. I assume, Mr. President, from the gentleman's answer, he is admitting there will at least be some postponement of highway construction work.

Mr. GELDER. No, Mr. President. I made no such admission.

Mr. COLEMAN. Does the Senator from Susquehanna, Mr. Gelder, mind repeating what he did say.

Mr. GELDER. Mr. President, I am talking now about repayments to some of the counties or some of the cities, and I have not admitted that there would be any curtailment of the highway program.

We have had assurance, Mr. President, that there will be no curtailment of the highway program.

Mr. COLEMAN. All right, Mr. President, in order to make definitely certain, why did the Senator from Susquehanna oppose the amendment offered by the Senator from Philadelphia, which would have had the affect of saying to the Highway Department there shall be no curtailment of highway work?

Mr. GELDER. Mr. President, for many years we have been told to beware of Greeks bearing gifts, and I want to assure you we are not so sure of the disinterestedness of the gentlemen on the left as they would lead us to believe. They tell us they are not here to play politics, yet we have sat here hour after hour listening to their political speeches. They talk about the Department of Public Assistance, and yet the Department of Public Assistance today has the same organization as it did under Governor Earle, with the exception of less than half a dozen people; it is true the Secretary of the Department of Public Assistance was appointed by Governor James. It is true his first assistant, and the secretary to that assistant, was appointed by Governor James; but in the main those folks are the same people as those folks who were here during the four years of the Democratic administration.

We have been hearing a whole lot from the other side about being disinterested, but we have not been very much aware of such an attitude by the gentlemen on that side. If they would show a little more co-operation I want to say the Republican side would be very glad to have their assistance, and we would be very glad then to sit down and talk matters over with them; but when they are simply attempting to play a role as critics, and dig a hole for us to fall into, we are not so much interested in that; then we are going to act according to our own convictions.

Mr. COLEMAN. Mr. President, the gentleman from Susquehanna has taken a circuitious route in answering my question. I have one more observation I should like to make. While we have heard from the administration leaders and the leaders of the Senate with annoying regularity that there will be no curtailment of work, when we pin them down by an amendment which would have had the effect of putting into the law that very thing, they all rose up and opposed it. I wanted to make that observation.

Mr. SHAPIRO. Mr. President, I did not intend to talk further on this bill, but I have been injected into it, and I now would like to ask one question of the gentleman from Susquehanna.

I understood the gentleman to make a statement there will be no curtailment of work by the Highway Department but then he said what will have to be curtailed will be the money that comes to the counties; they will not get theirs. Is that correct, Mr. President?

Mr. GELDER. Mr. President, I said perhaps they would have to defer payments—

Mr. SHAPIRO. Mr. President, is not the gentleman talking about the liquid fuel tax? Is that what the gentleman has in his mind?

Mr. GELDER. Yes, Mr. President.

Mr. SHAPIRO. Then, Mr. President, would the gentleman be surprised to know the liquid fuel tax is not taken into consideration in this thirty-seven million dollars but is dealt with by another bill?

Mr. GELDER. Mr. President, I understand the entire

set up of money to be used by the State Highway Department is still intact, and we are at the present time doing perhaps what the Senator from Philadelphia might do if he had a savings account, and had to do some temporary borrowing, and he put up his savings account book as collateral for the loan.

We are really mortgaging the future receipts, which we expect to return at the next regular session, in ample time for the Highway Department to carry on its work.

Mr. President, the gentleman from Fayette a little while ago talked about the very large number of people on the state payroll in a month of a certain year, a couple of years ago, and compared it with the number that were on the payroll in the present year. I want to say that number included a great many men who, just before election, according to reports in the papers and according to investigations, received payment vouchers but did no work for the commonwealth; it was supposed to be payment for political work. I am very sure the people of Pennsylvania will hold up the hands of the Secretary of Highways, so that he does not indulge in that sort of practice.

Mr. SHAPIRO. Mr. President, the gentleman from Susquehanna, is usually fair and always intelligent. I should like to direct his attention to the fact that I am asking him to answer a question which will clear up what has been discussed here.

The gentleman was asked whether or not the transfer of this fund would postpone any highway work. He answered that to the extent to which this bill transfers money to the various counties there will be a postponement of the payment of that money. I desire to call the gentleman's attention to the fact that House Bill No. 3 deals with the transfer of the liquid fuel tax, which is the money that goes to the counties, and ask the gentleman whether it is not true that there is no money that goes to the counties out of the thirty-seven million dollars being transferred under the bill now under consideration.

Mr. GELDER. Mr. President, I was called out of the Senate chamber. I am not quite sure which bill is under consideration.

Mr. SHAPIRO. Mr. President, the bill now being considered is Senate Bill No. 5, (House Bill No. 2), printers number 2, the act transferring money from the motor license fund, not the liquid fuel tax.

Mr. GELDER. Mr. President, I think the gentleman himself knows this is money that is never used by the state on state highways; it is money given by the state to the counties and as a rule in the counties is used to pay for bond issues on construction they have done years ago when the burden was on the counties rather than on the state.

Mr. SHAPIRO. Will the gentleman from Susquehanna just take time to read it? This is House Bill No. 2, transferring thirty-seven million dollars from the motor license fund.

Mr. GELDER. Mr. President, I think the gentleman understands all about this bill.

Mr. SHAPIRO. I do, Mr. President.

Mr. GELDER. Mr. President, it was explained by the Senator from Tioga that this is credit on money that is to be received after a certain period, so that we can borrow at the present time and use some of the present money. It will be repaid by money that comes into the Highway Department; that is, the Highway Department will still have sufficient money to cover the allocations for work during this coming year.

The highway department, Mr. President, does not decide to build a road today and start operation on it tomorrow, they have to plan; and at the present time they are roads, which were planned a year ago and they have already got that money under control and will have it under control to pay the bills.

Mr. SHAPIRO. Mr. President, I think I will repeat my question. It is difficult, I understand, for the gentleman from Susquehanna to follow me. Let me just put my question in this way. I would like the gentleman to asnwer this question. I made a statement that this bill transferring thirty-seven million dollars from the motor license fund would have the effect of curtailing the normal functioning of the Highway Department. This bill, I say, has nothing to do with the eleven million dollar transfer from the liquid fuel tax, because that was a special fund.

I said that yesterday, Mr. President, and the gentleman from Tioga said to me, no, that is not so; there will be no curtailment of the normal activities, so I followed up my statement with an amendment by which I tried to take out of the bill, "to the extent to which these transfers make it necessary, the use of the transferred funds for ordinary purposes shall be postponed but not otherwise modified," and that amendment was defeated. I then assumed that what is going to be done is that the eight million dollars due second-class townships under the Parkinson bill will be affected. So I took the position on the floor this morning, after having been unable to get the highway secretary—whom my friends on the other side can get very readily, but I could not get him—and I made the statement for the purpose of finding out whether it is not so, if the normal activities will not be interfered with, then certainly something must be postponed, because, as the gentleman from Tioga said to us the Secretary of Highways comes in and says he will receive this much money and spend this much; and if you are going to take it out of that thirty-seven million dollars you must be curtailing some spending you had planned to spend for each of the particular items; and if that is not going to curtail normal activities, it must at least affect the townships which are to get eight and a half million dollars, although only a million and a half has been obtained.

The gentleman from Susquehanna also telephoned the Secretary of Highways and comes back and says no, the Secretary of Highways says that will not be curtailed and we get back to the proposition of what is going to be curtailed and we asked the question this morning: Will the normal functions be curtailed and the gentleman says that the normal functions will be curtailed and he becomes confused and says that is part of the thirty-seven million dollars.

Now, Mr. President, I ask the question if the eight million dollars, which amount we are obligated to pay under the Parkinson Act, will be paid, and the thirty-seven million dollars comes out of the fund, will the normal activities of the department be curtailed; and if they will not be curtailed, why did the gentleman from Susquehanna vote against the amendment which made that certain? I hope that question is plain and will be answered by the Senator from Susquehanna.

Mr. GELDER. Mr. President, I want first to clarify the situation and say to the gentleman from Philadelphia, Mr.

Shapiro, when I said it would be curtailed I was not referring to House Bill No. 2. I want to further say that so far as I am concerned, the responsibility of the Highway Department to conduct its own department and to maintain and build its roads will still continue to be the responsibility of the Highway Department. I am going to take the Highway Department at face value when it says it can continue the program, and that the transfer of this fund will in no way affect it during the present year.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Letzler, | Snowden, |
| Cavalcante, | Fulton, | Mallery, | Stevenson |
| Chapman, | Gelder, | Miller, | Tallman, |
| Crowe, | Geltz, | Owlett, | Thomas, |
| Deitrick, | Heyburn, | Pierson, | Walker, |
| Ealy, | Homsher, | Reed, | Wolfenden, |
| Edmonds, | James, | Scarlett, | Woodward, |
| Eroe, | Kephart, | Sipe, | |

NAYS—16

| | | | |
|---|---|---|---|
| Coleman, | Gilson, | Lanius, | Rice, |
| Dent, | Haluska, | McCreesh, | Ruth, |
| DiSilvestro, | Jacobs, | McGinnis, | Shapiro, |
| Frey, | Jaspan, | Mundy, | Stiefel, |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 6, (House Bill No. 3), as follows:

An Act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The moneys and the proceeds derived from the liquidation hereinafter required of the investments held in the State School Fund upon the effective date of this act are hereby transferred to the General Fund and any moneys coming into the State School Fund between the effective date of this act and May thirty-first one thousand nine hundred forty-one shall be transferred to the General Fund immediately upon their payment into the State School Fund But the total amount to be transferred under this section shall not exceed two million dollars ($2,000,000) Provided however That the amount so transferred shall be only in such sum as will leave sufficient in the State School Fund to pay any allocations made by the State Council of Education from such fund prior to the effective date of this act

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 Upon the final enactment of this act the State Council of Education shall proceed immediately to dispose of such investments in the State School Fund for the best prices obtainable as may be necessary to effectuate the transfers authorized by this act Provided however That the State Council of Education may enter into and agreement with any other State agency charged with the investment of a special custodial fund in the State Treasury whereby such agency will agree to purchase and retain any such investments now in the State School Fund subject to an option on the part of the State Council of Education to repurchase such investments when money is available in the State School Fund for this purpose

Section 3 The amounts transferred under this act from the State School Fund to the General Fund shall be repaid to the State School Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I am going to vote against this bill, first, because it is a transfer of funds that will interfere with schools of counties or municipalities—I do not know which—that receive from the State of Pennsylvania monies from the payment of taxes for land that has been taken by the State for state purposes such as forestry or otherwise.

I tried to find out just what these funds are used for, and I looked it up in the budget, and found they are paid out by the state for one purpose, only state subsidies; and I understand after inquiry from people who ought to know that some of that money is not money normally paid to townships, municipalities and counties for land taken by the state.

The next thing I object to in this bill is because it exposes this fund to disposing of its portfolio at a time like this, nobody knowing what the loss will be. Mr. President, I read the amendments to the bill, which give the right to sell these investments to some other department but that will only shift the loss if the department gives them the right to buy it back again and they do at a price higher than at which they sold it, but if they merely use a bookkeeping method it will be just another method enabling the transfer of a fund from another department, which is covered by the bill, and for those reasons I am going to vote against the bill.

Mr. OWLETT. Just very briefly, Mr. President, so the Senator from Philadelphia will not be under any misapprehension, this is a fund that was created and arose from the sale of state forest land and forest products in the state and under the law only the income, which amounts to about sixty-five thousand dollars a year, is used to relieve distressed school districts. The fund itself is never used. It was transferred two or three times under Governor Earle, exactly as it is being transferred now, and out of the money in these various transfers, we are turning over to the distressed school districts instead of sixty-five thousand dollars, one million dollars, so instead of hurting the school districts, concerning which the Senator from Philadelphia seems so much exercised, we are helping them because we are giving them one million dollars instead of sixty-five thousand dollars which is all they would get from the income of this fund during the coming year.

We have also provided, Mr. President, in this amend-

ment, that the securities need not be sold, but merely transferred to the retirement fund and transferred back.

Mr. SHAPIRO. Mr. President, that is a new method of financing. Now, instead of giving them, as I understand it, sixty-five thousand dollars a year, we are going to give them one million dollars, which I thought we were going to give them out of other transfers, and we are going to give them one million dollars out of principal, and after we give them the million dollars out of principal, then the same fund will buy back the securities. How, and with what money—if they give the money away?

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrick, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

NAYS—19

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | McCreesh, | Ruth, |
| Coleman, | Haluska, | McGinnis, | Shapiro, |
| Dent, | Jacobs, | Mundy, | Sipe, |
| DiSilvestro, | Jaspan, | Reed, | Stiefel, |
| Frey, | Lanius, | Rice, | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 7, (House Bill No. 4), as follows:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The moneys in the Liquor License Fund upon the effective date of this act are hereby transferred to the General Fund and any moneys coming into the Liquor License Fund between the effective date of this act and May thirty-first one thousand nine hundred forty-one shall be transferred to the General Fund upon their payment into the Liquor License Fund But the total amount to be transferred under this section shall not exceed seven million two hundred fifty thousand dollars ($7,250,000)

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified.

Section 2 The amounts transferred under this act from the Liquor License Fund to the General Fund shall be repaid to the Liquor License Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. RUTH. Mr. President, I am not going to interrogate any Senator and I am not hoping I can change any votes; I am only talking for the record of this Senate.

I am opposing these transfers—this bill and it also holds true for the next two bills—because they taking from my county over half a million dollars that my townships, towns and boroughs have allocated to this year's budget.

I am told, Mr. President, it is going to be paid back, and I believe it will be paid back on this basis: Last week when I read this program, and made a study of it, our county commissioners came to see me about it, and I told them they should get ready, if the administration in power should have a majority in the next regular session, to assume at least fifty per cent of the relief burden by the local districts, because that is the only way in which this money can be paid back, if they can send fifty per cent of the relief load back to the counties; but in the meantime our county will have to borrow over half a million dollars this year, and the same amount next year, and then assume fifty per cent of the relief load. For that reason I am opposed to these bills.

Mr. McGINNIS. Mr. President, I am opposing this bill because it takes from the City of Pittsburgh eight hundred thousand dollars. Bill No. 5 which follows takes from the county of Allegheny over a million dollars.

I remember during the Earle administration we put through a bill taking over the mental hospitals in Allegheny county—Woodville and Mayview.

Our county and city went ahead on the assumption that bill had passed and was law, and made up their budgets. The present Republican administration came in and dumped those institutions back on the City of Pittsburgh and Allegheny county; and here instead of the State of Pennsylvania coming into our city and our county, as the national administration does, and help us out, this all-powerful state is coming into the City of Pittsburgh and County of Allegheny and making off with our funds and that is the best that can be said about this bill. They do say, oh, we are going to take your money, although you are in distress, although you are in trouble, although you are worried, we are going to take this money and keep it; you may, if you wish, go out and borrow—if you can.

Mr. President, it is a question whether the City of Pittsburgh can borrow; and as to the situation in our county, there is some doubt as to whether or not the county can borrow under the present laws. At any rate, it is creating worry and annoyance, and the state is not assuming its responsibilities the way it should.

This state, Mr. President, with all its wealth, with all its power of taxation, is dumping back on the municipalities the troubles when it ought to be doing just the opposite.

As I said last night, I am very proud of my national administration, that has come into every city and every county in the United States and instead of grabbing and holding money that belongs to them, gives money to build schools, highways, playgrounds, streets and sewers—helping; helping the local communities instead of giving them trouble. Therefore, I am going to vote against this bill.

Mr. SIPE. Mr. President, I am going to vote against this bill for the reason that it deprives the Borough of Kittanning, County seat of my county of Armstrong of about three and a half million dollars in the liquor license fund and will, as the borough council says, necessitate the

abandonment in the Borough of Kittanning of improvements that were contemplated in the budget for 1940.

Mr. CAVALCANTE. Mr. President, as I have stated before on the floor of this Senate, the hint that any county or local municipality can borrow against the promise that this money will be paid back to this liquor license fund is not tenable. You can not borrow against this fund, that is, the municipalities can not borrow; and I will again place on the record a warning to the solicitors of these municipalities as to the reason why they can not borrow against this fund.

The liquor license fund is a creature of the legislature, and exists only at the will of the legislature; it is not a fund created by a tax or a levy imposed by a local community. The session of 1941 or any session after this session, may abolish the fund and appropriate what is in there now and pay it into the general fund, and keep any part of it from going back to the municipalities. That kind of a fund, Mr. President, is not a fund which a municipality can borrow; a municipality can only borrow against taxes that they have levied, and are either due or are in their treasury; and you can not borrow against this fund.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Letzler, | Stevenson, |
| Chapman, | Gelder, | Mallery, | Tallman, |
| Crowe, | Geltz, | Miller, | Thomas, |
| Deitrick, | Heyburn, | Owlett, | Walker, |
| Ealy, | Homsher, | Pierson, | Wolfenden, |
| Edmonds, | James, | Scarlett, | Woodward, |
| Eroe, | Kephart, | Snowden, | |

NAYS—19

| | | | |
|---|---|---|---|
| Cavalcante, | Fulton, | Lanius, | Rice, |
| Coleman, | Gilson, | McCreesh, | Ruth, |
| Dent, | Haluska, | McGinnis, | Shapiro, |
| DiSilvestro, | Jacobs, | Mundy, | Sipe, |
| Frey, | Jaspan, | Reed, | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 8, (House Bill No. 5), as follows:

An Act transferring money from the Fire Insurance Tax Fund the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The moneys in the Fire Insurance Tax Fund upon the effective date of this act are hereby transferred to the General Fund and any moneys coming into the Fire Insurance Tax Fund between the effective date of this act and May thirty-first one thousand nine hundred forty-one shall be transferred to the General Fund upon their payment into the Fire Insurance Tax Fund But the total amount to be transferred under this section shall not exceed two million three hundred thousand dollars ($2,300,000)

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Fire Insurance Tax fund to the General Fund shall be repaid to the Fire Insurance Tax Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one.

And said bill having read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SIPE. Mr. President, I am going to vote against this bill because I am advised by letter from the borough council of the Borough of Kittanning, one of the boroughs of my senatorial district, that the bill, if passed, will deprive the borough of a sizeable sum of money they have already budgeted for 1940, expecting to receive it; and if it is not received it will curtail improvements that are contemplated under the 1940 budget.

Mr. STIEFEL. Mr. President, I would like to ask for a verification of the roll on Senate Bill No. 7, House Bill No. 4.

The PRESIDENT. That is out of order now. We are now taking the roll call on Senate Bill No. 8, House Bill No. 5, which roll call is about to be announced.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Letzler, | Stevenson, |
| Chapman, | Gelder, | Mallery, | Tallman, |
| Crowe, | Ge , | Miller, | Thomas, |
| Deitrick, | Heyburn, | Owlett, | Walker, |
| Ealy, | Homsher, | Pierson, | Wolfenden, |
| Edmonds, | James | Scarlett, | Woodward, |
| Eroe, | Kephart, | Snowden, | |

NAYS—19

| | | | |
|---|---|---|---|
| Cavalcante, | Fulton, | McCreesh, | Ruth, |
| Coleman, | Gilson, | McGinnis, | Shapiro, |
| Dent, | Haluska, | Mundy, | Sipe, |
| DiSilvestro, | Jacobs, | Reed, | Stiefel, |
| Frey, | Lanius, | Rice, | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 9, (House Bill No. 6), as follows:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The money in the Liquid Fuels Tax Fund upon the effective date of this act are hereby transferred to the General Fund and any moneys coming into the Liquid Fuels Tax Fund between the effective date of this act and May thirty-first one thousand nine hundred forty-one shall be transferred to the General Fund upon their payment into the Liquid Fuels Tax Fund But the total amount to be transferred under this section shall not exceed eleven million dollars ($11,000,000)

The purpose of the transfers authorized by this section is to provide funds for the payment of the appropriations for or relating to public assistance and the other appropriations made by this session of the General Assembly To the extent to which these transfers make it necessary the use of the transferred fund for its ordinary purposes shall be postponed but not otherwise modified

Section 2 The amounts transferred under this act from the Liquid Fuels Tax Fund to the General Fund shall be repaid to the Liquid Fuels Tax Fund out of the General Fund not later than June thirtieth one thousand nine hundred forty-one

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SIPE. Mr. President, I am going to vote against this bill because I am advised by the county commissioners of Armstrong County, one of the counties of my district, that this bill if passed, will deprive Armstrong County of approximately fifty-three thousand dollars revenue from the liquid fuel tax—giving as their reason, and I quote: "Failure to receive this amount of money in the current year places in jeopardy our ability to pay our state obligations, to meet our interest obligations on highway bonds, pay highway damages, repairs on bridges, and so forth."

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrick, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

NAYS—19

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | McCreesh, | Ruth, |
| Coleman, | Haluska, | McGinnis, | Shapiro, |
| Dent, | Jacobs, | Mundy, | Sipe, |
| DiSilvestro, | Jaspan, | Reed, | Stiefel, |
| Frey, | Lanius, | Rice, | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 10, (House Bill No. 7), as follows:

An Act to amend the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-three) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-three) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" is hereby amended to read as follows

Section 1 The sum of three hundred ninety-eight thousand dollars ($398,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the use of The Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred thirty-nine for the payment of annual rates rentals and other charges for the use and occupancy or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority to The Pennsylvania State College or for services rendered by the Authority or its projects Payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder | Mallery, | Tallman, |
| Deitrich, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds | Homsher, | Pierson, | Wolfenden, |
| Eroe | James, | Scarlett, | Woodward, |

NAYS 19

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | McCreesh, | Ruth, |
| Coleman, | Haluska, | McGinnis, | Shapiro, |
| Dent, | Jacobs, | Mundy, | Sipe, |
| DiSilvestro, | Jaspan, | Reed, | Stiefel, |
| Frey, | Lanius, | Rice, | |

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. SHAPIRO. Mr. President, for the record I desire to state that out of this fund, which in 1939 amounted to $8,796,000 the city of Philadelphia was entitled to receive $3,385,000 and you can make your own comparison as to what it should receive out of eleven million dollars.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 11, (House Bill No. 8), as follows:

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund

for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million five hundred thousand dollars ($1,500,000) is hereby transferred from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund and is hereby appropriated to meet Sinking Fund requirements on the Veterans' Compensation Bonds, during the two fiscal years ending May thirty-first one thousand nine hundred forty-one according to the following schedule

| | |
|---|---|
| September 1, 1940 | $ 412,500.00 |
| November 1, 1940 | $ 300,000.00 |
| March 1, 1941 | $ 487,500.00 |
| May 1, 1941 | $ 300,000.00 |
| Total | $ 1,500,000.00 |

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill was discussed in caucus yesterday and I think the day before, and at that time we took the position, based on information which we had, that this bill would deprive veterans of funds belonging to them, which they might not get back.

After caucus this morning, along with the investigation I was making on some other bills on which I did not think we had adequate information, I made further inquiries concerning this bill, but I did not have a chance to discuss it with the members of the Democratic caucus, so I would like to bring it to their attention now.

What attracted my attention to the bill was the fact that Democratic members of the House voted for this bill, and I made inquiry of certain ones and found the effect of this bill would merely be a transfer from capital to the sinking fund of monies which otherwise would not be needed.

In other words, Mr. President, this was originally a bond issue of fifty million dollars, of which only forty-five million was sold. A sinking fund was provided on the basis of fifty million dollars, which may never be used in view of certain unclaimed amounts and pending settlements, which would mean certain amounts would not be paid, and that money would not be used. Therefore, I see no objection to the commonwealth making use of that money at this time, and for myself, I am going to vote for the bill.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 36

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Letzler, | Scarlett, |
| Chapman, | Gelder, | Mallery, | Shapiro, |
| Crowe, | Geltz, | McGinnis, | Snowden, |
| Deitrick, | Gilson, | Miller, | Stevenson, |
| Ealy, | Heyburn, | Mundy, | Tallman, |
| Edmonds, | Homsher, | Owlett, | Thomas, |
| Eroe, | Jacobs, | Pierson, | Walker, |
| Farrell, | James, | Rice, | Wolfenden, |
| Frey, | Kephart, | Ruth, | Woodward, |

NAYS 11

| | | | |
|---|---|---|---|
| Cavalcante, | DiSilvestro, | Lanius, | Sipe |
| Coleman, | Haluska, | McCreesh, | Stiefel, |
| Dent, | Jaspan, | Reed, | |

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 12, (House Bill No. 9), as follows:

An Act to amend the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-two) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-two) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" is hereby amended to read ts follows

Section 1 The sum of five million seven hundred seventeen thousand seven hundred dollars ($5,717,700) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the two fiscal years beginning June first one thousand nine hundred thirty-nine for the payment by the Commonwealth of annual rates rentals and other charges for the use and occupancy of or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority to the Commonwealth or for services rendered by the Authority or its projects Payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrick, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

NAYS 19

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | McCreesh, | Ruth, |
| Coleman, | Haluska, | McGinnis, | Shapiro, |
| Dent, | Jacobs, | Mundy, | Sipe, |
| DiSilvestro, | Jaspan, | Reed, | Stiefel, |
| Frey, | Lanius, | Rice, | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 13, (House Bill No. 10), as follows:

An Act to amend certain appropriation items contained in section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine".

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The following appropriation items which are contained in section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) designated as The General Appropriation Act of one thousand nine hundred thirty-nine and which are specifically appropriated to the several hereinafter named agencies of the Executive Department and Legislative Department of the Commonwealth in the respective amounts approved by the Governor are hereby amended to read as follows

I Executive Department

To the Governor

For the payment of salaries wages or other compensation of the Secretary to the Governor the Budget Secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Governor his Secretary the Budget Secretary and the Executive Board for the expenses incurred in the conduct of the Executive Mansion and the entertainment of official guests and for the expense incident to the participation of the Governor in the Governors' Conference the sum of two hundred ninety-eight thousand dollars ($298,000)

To the Treasury Department

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the Veterans' Compensation Bonds issued under authority of the act approved the fifth day of January one thousand nine hundred and thirty-four (One thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four Pamphlet Laws page two hundred nineteen) the sum of five million nine hundred fifty thousand one hundred ninety-two dollars and fifty cents ($5,950,192.50) according to the following schedule

Requirements

| Date of Payment | Principal | Interest | Total |
|---|---|---|---|
| September 1 1939 | $ ..... | $487,500.00 | $ 487,500.00 |
| November 1 1939 | ..... | 300,000.00 | 300,000.00 |
| March 1 1940 | 1,237,253.21 | 487,500.00 | 1,724,753.21 |
| May 1 1940 | 912,843.04 | 300,000.00 | 1,212,843.04 |
| September 1 1940 | ..... | 75,000.00 | 75,000 00 |
| November 1 1940 | ..... | | |
| March 1 1941 | 1,237,253.21 | | 1,237,253.21 |
| May 1 1941 | 912,843.04 | | 912,843.04 |
| Total | $4,300,192.50 | $1,650,000.00 | $5,950,192.50 |

To the Department of Agriculture

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including the purchase of insecticides for gypsy moth work for testing of animals to prevent spreading of dangerous contagious and infectious diseases for the payment of any loss or damage by dogs to live stock domestic game birds and poultry as provided by law and for the purpose of compensating land owners according to existing law for the loss of cedar trees destroyed by order of the Department of Agriculture to prevent damage to apple orchards by cedar apple rust the sum of one million six hundred five thousand five hundred dollars ($1,605,500)

To the Department of Banking

For the payment of salaries wages or other compensation of the members and employes and for the payment of general expenses supplies printing and equipment necessary for the administration and enforcement of the Securities Act the sum of one hundred fifteen thousand dollars ($115,000)

To the Department of Commerce

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses advertising supplies printing and equipment necessary for the proper conduct of the work of the department the sum of two hundred thirty thousand dollars ($230,000) and in addition thereto any amount appropriated to the department out of the Motor License Fund which shall be credited to the appropriation made by this paragraph and shall be available for the purposes herein enumerated

To the Department of Forests and Waters

For the payment of the salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to forests parks and waters and the Pymatuning Dam the Water and Power Resources Board the Geographic Board the State Forest Commission State Parks Commission and Regional State Park Boards an Flood Prevention and maintenance of dikes along Darby Creek and the Delaware River in Tinicum Township Delaware County for maintenance of Emergency Conservation Work Projects for the purchase of telephone equipment and the cost of telephone rentals at towers district offices ranger stations and other necessary locations for the erection and repairs of buildings the sum of one million fifty thousand dollars ($1,050,000)

For the payment of annual fixed charges as provided by law for county school township and road purposes on lands owned or classified by either the Commonwealth of Pennsylvania or the Federal Government and held or administered as forest reserves auxiliary forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks the sum of two hundred nine thousand five hundred dollars ($209,500)

To the Department of Health

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Sanitary Water Board the Advisory Health Board and other boards the sum of two million five hundred forty thousand dollars ($2,540,000) and in addition to said amount all contributions received by the department from private sources for the express use of the department in public health work shall be paid into the General Fund and credited to this appropriation

For the payment of salaries wages or other compensation of members and employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Board of Housing the sum of fifteen thousand four hundred dollars ($15,400)

For the payment of salaries wages or other compensation of superintendents and other employes for the pay-

ment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for incidental expenses and all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Tuberculosis Sanatoria and the State Hospital for Crippled Children including the incidental expenses necessary for the proper conduct of the orthopaedic work of the department and for the purchase of braces jackets artificial limbs and crutches the sum of three million five hundred four thousand dollars ($3,504,000)

To the Insurance Department

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the payment of costs in court proceedings to forfeit charters of extinct companies the sum of five hundred twenty-five thousand dollars ($525,000) and in addition to said amount all income and all monies collected by the Insurance Department from foreign insurance companies for examinations made by the Insurance Department and paid into the General Fund of the State Treasury are hereby appropriated out of the General Fund to the Insurance Department and shall be credited to the appropriation made by this paragraph

For the payment of liquidating and dissolution expenses of companies taken in charge by the Insurance Commissioner when the cash assets are insufficient to pay such expenses the sum of fifteen thousand dollars ($15,000) and in addition there is hereby appropriated for the same purposes the full amount of all sums received from such liquidated assets by way of reimbursement for expenditures previously made from this appropriation which sums so received shall be paid into the General Fund and credited to the appropriation made by this paragraph

To the Department of Labor and Industry

For the payment of salaries wages or other compensation of the members of the Workmen's Compensation Board Workmen's Compensation Referees Pennsylvania Labor Relations Board the members of the Industrial Board a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Workmen's Compensation Board the Workmen's Compensation Referees Pennsylvania Labor Relations Board and the Industrial Board and for compensation and expenses of wage boards the sum of two million four hundred twenty-five thousand dollars ($2,425,000)

For the payment of salaries wages or other compensation of employes engaged in administration of the laws relating to rehabilitation of persons injured in industry and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to rehabilitation and for the purchase of artificial appliances for and the payment of maintenance cost of physically handicapped persons in training and all other expenses necessary to carry out the provisions of the Rehabalitation Acts the sum of three hundred twelve thousand seven hundred fifty dollars ($312,750) and in addition thereto any contributions from the Federal Government or from any other source for rehabilitation shall be paid into the General Fund and credited to this appropriation

To the Department of Mines

For the payment of salaries wages or other compensation of a deputy secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the sum of seventy two thousand dollars ($72,000)

For the payment of expenses of conducting the examination of applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses as provided by law the sum of eight thousand dollars ($8,000)

To the Department of Property and Supplies

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and Capitol police the Board of Commissioners of Public Grounds and Buildings and other boards attached to the department for the care maintenance and preservation of public grounds and buildings including the Executive Mansion for the payment of the advertising schedules of supplies the sale of unserviceable property proposals for executing the State printing and binding proposals for any contract work readvertising any schedule or proposals when necessary and all other advertising necessary for the proper conduct of the work of the department the sum of one million seven hundred sixty-five thousand dollars ($1,765,000) Provided however That the department shall not use any part of this appropriation for the payment of the salaries wages or other compensation of employes necessary for the cleaning and care of offices or other quarters either in the Capitol Building or elsewhere used by the Department of Banking the Department of Highways and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds or used by the General Assembly the Judicial Department the Department of the Auditor General the Treasury Department the Pennsylvania Game Commission the Board of Fish Commissioners the Pennsylvania Liquor Control Board the Milk Control Commission or the State Workmen's Insurance Board or for the cleaning and care of offices or other quarters outside the city of Harrisburg used by any other department board or commission or for the cleaning and care of the State Arsenal or any barracks used by the Pennsylvania Motor Police

For the purchase of automotive equipment aeroplanes and accessories thereto as may be required for use by the several administrative departments boards commissions and officers of the State Government except those required for permanent use by the Department of Banking the Department of Highways and the Department of Revenue and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Pennsylvania Motor Police the Board of Fish Commissioners the Pennsylvania Game Commission the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Commission and the State Workmen's Insurance Board for the payment of the cost of minor repairs to automotive equipment permanently assigned to departments boards and commissions except the Department of Highways and stored at the garage maintained by the Department of Property and Supplies in the city of Harrisburg and for the payment of the cost of oil gasoline tires repair parts for and repairs to automotive equipment which is not permanently assigned to any department board commission or officer of the State government the sum of three hundred ninety-two thousand dollars ($392,000)

To the Department of Public Instruction

For the payment of the salary of the Superintendent of Public Instruction the sum of twenty-one thousand one hundred dollars ($21,100)

For the payment of salaries wages or other compensation to a deputy superintendent and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and the State Council of Education the sum of five hundred ninety-seven thousand five hundred dollars ($597,500)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment and for the purchase of books maps charts manuscripts records exchanges pamphlets illustrations lantern slides periodicals parliamentary papers legal books and periodicals subscriptions to newspapers necessary for the proper conduct of the work of the department with respect to the State Library and Museum the sum of two hundred fifteen thousand dollars ($215,000)

For the payment of salaries wages or other compensation of the presidents or principals and other employes for the expenses of maintaining and operating automobiles and

other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Teachers Colleges and the Cheyney Training School for Teachers as may be authorized and approved by the Superintendent of Public Instruction the sum of three million seven hundred twenty thousand dollars ($3,720,000) and in addition to said amount all income and all moneys collected at the various State Teachers Colleges and the Cheyney Training School and paid into the General Fund of the State Treasury under existing law are hereby appropriated out of the General Fund to the several State Teachers Colleges and Training Schools for same purpose each college and school to receive from such appropriation the exact amount which was collected at said school or college during the said fiscal years

For the payment of salaries wages or other compensation of superintendents and other employes for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the hereinafter designated institutions as may be authorized and approved by the Superintendent of Public Instruction in the amounts hereinafter specified

| | |
|---|---|
| Pennsylvania State Oral School for the Deaf at Scranton Pennsylvania | ($180,000) |
| Pennsylvania Soldiers' Orphan School at Scotland Pennsylvania | ($348,000) |
| Thaddeus Stevens Industrial School at Lancaster Pennsylvania | ($ 95,000) |

For the payment of the expenses of county superintendents of public schools as required by law the sum of forty-eight thousand five hundred dollars ($48,500)

For the payment of the expenses of assistant county superintendents of public schools and supervisors of special education as required by law the sum of sixty-seven thousand dollars ($67,000)

For the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as required by law for the expense of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of three hundred twenty-six thousand dollars ($326,000)

For special education including the payment of the Commonwealth's share in the case of children between the ages of six (6) and twenty-one (21) and the payment of all in the case of pupils under the age of six (6) or over twenty-one (21) of the cost of tuition and maintenance (as determined by the Superintendent of Public Instruction) of Pennsylvania pupils enrolled with the approval of the Department of Public Instruction in schools or institutions for the blind or for the deaf under the supervision of and approved by the department in accordance with law the sum of one million one hundred forty thousand dollars ($1,140,000)

To the Pennsylvania Public Utility Commission

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the commission the sum of one million seven hundred fifty thousand dollars ($1,750,000)

To the Department of Revenue

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses rentals equipment and other expenses incidental to the collection of inheritance and estate taxes and mercantile license taxes supplies printing and equipment necessary for the proper conduct of the work of the department for the payment of cost of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of Assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of three million forty-five thousand dollars ($3,045,000) Provided That to the extent to which appropriations have been made to the department out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes

To the Department of Welfare

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including the cost of a central accounting system for State-owned institutions subject to the supervision of the department the sum of three hundred ninety-two thousand dollars ($392,000)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Council for the Blind the sum of forty-seven thousand dollars ($47,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Allentown State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Torrance State Hospital at Torrance the Warren State Hospital at Warren the Philadelphia State Hospital at Philadelphia the Wernersville State Hospital at Wernersville and any other institution established for the care and treatment of the insane as may be authorized and approved by the Secretary of Welfare the sum of fifteen million two hundred fifty thousand dollars ($15,250,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Laurelton State Village at Laurelton the Pennhurst State School at Pennhurst the Polk State School at Polk the Selinsgrove State Colony for Epileptics at Selinsgrove and any other institution established for the care and treatment of mental defectives and epileptics as authorized and approved by the Secretary of Welfare the sum of three million five hundred fifty thousand dollars ($3,550,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connellsville State Hospital at Connellsville the Hazleton State Hospital at Hazleton the Lo-

cust Mountain State Hospital at Shenandoah the Nanticoke State Hospital at Nanticoke the Philipsburg State Hospital at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of two million nine hundred thousand dollars ($2,900,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the State-owned institutions under the supervision of the Department of Welfare as may be allocated by the Secretary of Welfare and approved by the Governor the sum of three hundred thousand dollars ($300,000)

II Legislative Department

Legislative Miscellaneous

For the payment of wages and other compensation of the employes and for the payment of general expenses necessary for the proper conduct of the work of the Joint State Government Commission the sum of sixty-five thousand dollars ($65,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission on the presentation of his requisition for the same The chairman shall file an accounting of said expenses with the Auditor General

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill reduces the appropriations now existing under the present budget biennium by $4,419,000, notwithstanding the fact that the last item in the bill is not a reduction but is an increase of thirty-five thousand dollars to the Joint State Government Commission, created for the purpose of investigating ways and means to derive additional funds or adjust taxation methods in Pennsylvania.

Ironically, Mr. President, at the same time this bill takes from the Department of Welfare $957,000 and from the Department of Health $965,000. It needs no stretch of the imagination, and no answers from the other side could change the fact that the reduction in these two departments of this tremendous sum of money is going to affect seriously the normal, and I might even say now the subnormal activities in these two departments.

With the statements made frequently on the floor of this Senate with respect to the inadequacy of the state's ability to furnish care for mentally and otherwise sick persons, one can understand the effect this curtailment is going to have. Hospitals, crippled children, all are going to suffer seriously as a result of this bill. If you do not believe it I would like, if you will indulge me a moment, to read you some of the things which will be affected in the Welfare Department.

While I am looking for it, I want to say I am glad the gentlemen on the other side took my suggestion and corrected this bill, so that the Department of Property and Supplies will not pay for the help in the Liquor Control Board.

The item for the payment of salaries, wages or other compensation of superintendents and other employes, for the payment of general expenses, supplies, printing and equipment for repairs, alterations and improvements to plant and equipment, for improvements to land, for the purchase of equipment, furniture, furnishings and live stock, for incidental expenses and all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Tuberculosis Sanatoria and the State Hospital for Crippled Children, including the incidental expenses necessary for the proper conduct of the orthopaedic work of the department and for the purchase of braces, jackets, artificial limbs, and crutches the sum of $3,504,000 has been inserted, instead of $4,400,000.

The Pennsylvania Soldiers' Orphans School at Scotland, Pennsylvania and the Thaddeus Stevens Industrial School at Lancaster, Pennsylvania, but first I read the item of the Department of Welfare. The Department of Welfare has a reduction of $957,000.

It seems to me if this relief program can only be carried out at the expense of the hospitals and the crippled and the sick and the disabled, then I do not see what relief we are giving in reality. We are taking, as the Governor says, not the money out of the one pocket and putting it into the other, but we are taking it from the sick and giving it to the hungry, taking it from the crippled and giving it to the hungry. I do not know that that accomplishes much.

I noticed also in this bill a curtailment of the funds allowed to the Department of Revenue. There is nothing said about that. In fact, they have advised the Governor —I have assumed from his statement they have—that they will have an increase of thirteen million dollars in their revenue and they are getting along all right, but nowhere in any of these bills has any reference been made to the fact that the department of Revenue's estimate of an increase of thirteen million dollars does not take into consideration the amount the Revenue Department is obliged by law to refund under the decision of the Supreme Court in the case of the Columbia Gas and Electric Company, which as you will all remember, involved the franchise tax and while the Supreme Court said the tax was constitutional, they distinctly said the method of collecting the tax in that instance was unfair, and to the extent to which others have been affected by the same method of collection that will have to be refunded. The Revenue Department will be able to figure the amounts involved.

I made some investigation in connection with the case of the Schuylkill Trust Company, which deals with the tax on bank shares, and if the decision of the lower court is maintained, there will be a cost of at least four million dollars to the Department of Revenue, which it will be obliged to refund.

As to the Southern Bus Transportation case, if the decision of the Dauphin County Court is sustained, then the situation in Pennsylvania may become very chaotic and serious. In the first place, that case contests the constitutionality of the self-assessing law, which was passed in connection with the corporate net income and corporate capital stock tax. You will remember the procedure adopted by the Earle Administration; it was not a case of bad laws, which my friend from Tioga has referred to, in the Earle Administration, which permitted the anticipation of taxes; in other words, instead of waiting until the tax was contested or settled first, and then the taxpayer contest it, and then take another year or a year and a half

before it could be collected, we made them self-assess their taxes.

Mr. EDMONDS. Mr. President, was that the act under which the Earle Administration got three years' revenue in one year?

Mr. SHAPIRO. Mr. President, I am coming to that. I am very glad, I should say like a public speaker, I am glad the Senator from Montgomery asked that question, because while it is true that under the act the Earle Administration got four years' revenue in three, the James Administration also must get four years' revenue in three. In other words, if this act is held to be unconstitutional, then next year, in 1941, the money which should come in in January of 1941, or rather in February and March of 1941, will not come in until 1942 or 1943, so that this administration, whether it was a good law or not, will be met with the proposition that your present estimate anticipates that you will receive the anticipated payments; if the act which deals only with the interest, the cases which deal only with the interest, say it may be all right, you can use the tax but you have no right to pay interest on a fund not due in that law; if the law is upheld, there will be a shortage of funds in the next biennium of thirty million dollars; and of course, the loss of interest. The shortage will arise through the fact that it is a reasonable supposition that if you do not have to pay interest on the tax anticipation, the people will take full advantage of the use of the money.

The next case, which is a difficult matter, is the Chester Power and Light Company case, which deals with the situation that existed in 1935, when we increased the four mills tax to five mills. At that time the personal property tax was figured at a different period, so that in 1935 when the corporate loan tax was increased to five mills the personal property tax still remained at four mills and remained that way until sometime around November of 1937, when both became eight mills, for the period between 1935 and 1937.

The contest now is, and the lower court has held that that was discrimination, which made the tax unconstitutional; and if that situation is sustained, the Revenue Department and the government will be faced with a deficit, which will be then figured in one year at one mill and in another two years at three mills, and the revenue of the Revenue Department curtailed, and yet in the face of that situation we are told there will be a thirteen million dollar increase in the revenue in face of the fact that there is now an amount due which has not been considered, those who fall in the class of the first case, which is the franchise tax.

Mr. President, I want to take advantage of this opportunity to say to you this gentleman Ponzi, whom I heard about when I was much younger than I am now, could have taken lessons from this administration in financing and in the way they are financing this situation.

Mr. McGINNIS. Mr. President, this bill illustrates very well the desperate situation in which this administration finds itself. In over forty states of this union the states take care of all the mental patients.

In Allegheny county, Mr. President, the city of Pittsburgh hospital at Mayview, its halls are just filled with mental patients. Our tuberculosis hospital has a waiting list of one hundred and eighty. We are enlarging Beech Farms, thanks to P. W. A. and our federal government. Our federal government, Mr. President, also came into this state and provided for the building of seventy million dollars worth of buildings to take care of the unfortunate and the unlucky; and I think it is a first duty of government not to take care of those at the top, but to take care of those at the bottom, because some day we who think we are on top, tomorrow we may be down towards the bottom; the scene may shift. For an administration, after our national administration provided the funds to build seventy million dollars worth of buildings, and erect them, to think that a Republican administration of this state does not have the courage or the heart to provide for the opening of them, just to run them, after we have built them, do you wonder why it was in this last election, with this contrast, that Franklin D. Roosevelt got more votes in on the Republican ticket than Governor James did in fifty-nine counties that have been tabulated already?

This all convinces me, Mr. President, that Governor James is resorting to the most desperate program, the worst hodge-podge that could ever be devised, to tide him over until after this election, and I am also convinced that he feels that the Democrats are going to sweep this state in both the House and the Senate, and he is going to dump this mess that he is creating right now on to the Democratic Senate and the Democratic House next year in this state, because the whole program shows that they are either tapping funds of the next biennium or they are curtailing the proper work of the departments.

Mr. OWLETT. Mr. President, of all the bills before this session this was one I thought our Democratic friends would be interested in voting for, but I could not help but observe that we sat here today and witnessed practically every man on the left side of this body vote for the appropriation of seventy-one million some hundred thousands of dollars for the unemployed people of Pennsylvania, so that they could go home and say, "We voted for the appropriation"; and then they almost to a man, with only two or three exceptions, voted no on the bills that provided the money for that appropriation.

Now, Mr. President, this bill is an interesting sidelight on what happens when you have the principle of economy coming into government. We have witnessed in Washington and we have witnessed under the Earle Administration nothing but attempts to spend more money and more money and more money.

Mr. President, when we met in 1939 this administration went over all of the departments in Harrisburg and cut down expenses, the James Administration fired some two thousand employes that the Earle Administration had employed in the various departments, and cut the appropriations to the core.

Now, Mr. President, we have come back here at this special session when the unemployed of Pennsylvania are in need and the Republican Administration says we have surveyed those departments, we have gone into them and we find we can cut out some more of those expenses, and this bill is to give effect to some further economies that have been practiced, in the amount of four millions of dollars, which we are transferring for relief.

Let me show, Mr. President, how that item of four million dollars is made up:

> The Governor's office has found they can cut off $27,500 from their expenses. They reduced the budget in the beginning and they can now cut off more.
>
> | | |
> |---|---|
> | Department of Agriculture | $ 80,000 |
> | Department of Banking | 25,000 |

| | |
|---|---|
| Department of Commerce | 50,000 |
| Department of Forests and Waters | 119,000 |

Now, Mr. President, we come to the Department of Health; there is a reduction of $965,600.

I expected we would hear speeches from the other side on these items of the Department of Health and the Department of Welfare and I can not believe that they did not expect we knew what that was, how that came about, and I am surprised at my friend, Senator Sipe, that he did not make a speech on this bill. I think he is probably about ready to make a speech.

Now, Mr. President, let me explain that reduction in the appropriation. The Department of Health, Mr. President, is cutting $60,000 off of salaries; in other words, they are getting along with less employes to the extent of sixty thousand dollars.

The State Board of Housing is cutting down its expenses $9,600;

Maintenance of institutions is cut down by $896,000.

Now, Mr. President, let me explain to you how that came about. In the Earle Administration they created what we call in this state the Pennsylvania State Authority; they created this Authority and went around this state and built millions and millions and millions of dollars worth of buildings.

One of those buildings, Mr. President, was this Butler Sanatorium we have heard about ever since we came to the Legislature in 1939. Why, Mr. President, you only had to drop a book off a desk to start Senator Sipe speaking on the subject of the Butler Sanatorium and any number of buildings all over the state.

Do you know, Mr. President, what this administration found when it took office with reference to those buildings: they had started this State Authority, provided millions of dollars to build buildings all over the state—most of them built by Matt McCloskey and Jack Kelly and a few other good Democratic contractors—and they made no provision for the furnishing of the buildings or the equipment—empty buildings sitting out, in the Butler case in a swamp, and when Governor James came into office Governor James came in here and found all those empty buildings all over the State of Pennsylvania that we had to pay rent for, not equipped and not furnished.

So, Mr. President, Governor James' Administration started right in to find a way to equip those buildings, and they said, why, there is no provision in the State Authority bill to buy equipment—remember, Mr. President, that was an Earle bill—and there was no provision in it for those things.

Mr. President, here is another interesting thing. In 1939 we Republicans amended the State Authority bill ourselves so we could get some equipment and start using those buildings and we looked at the record the other day and we found that the Senator from Armstrong, Mr. Sipe, did not vote for that bill, he was not present—the very bill that would enable us to open the Butler Sanatorium—Mr. Sipe was not in the Senate to vote for it and the Republicans had to pass that bill.

Now then, Mr. President, we hoped that we could get those buildings the State Authority had built in operation, we hoped through this bill we passed we could equip those buildings and start them, but we found they had never obtained a legal opinion from any attorney in this state and we found you could not sell their bonds and we found any number of things in the way of getting those buildings opened, and here it is almost a year, Mr. President, and a lot of those buildings are not opened yet. And why, Mr. President? Not because of any dereliction on the part of the James Administration in this matter but because the Democrats made no provision for opening them. That is the truth of this situation and I think we might all just as well understand it.

The fact that we have money available here today from the Department of Health and the Department of Welfare that we can use for relief is not because we are not concerned about these tubercular patients that we all know are on waiting lists at the present time, it is not because we are not concerned with the crippled or the unfortunate of this state; but that condition arises from the situation I have pointed out to you, when we appropriated the money to the Department of Health and the Department of Welfare we did not know what a mess the Democrats had made of this thing; we supposed we could get those buildings open to take care of those people.

Now, Mr. President, a good deal of this money comes about from this: under this State Authority Act the state pays rent to the State Authority for the buildings and that rent is to cover interest and sinking fund requirements on the bonds, and until the State Authority turns the buildings over to the state it is obvious we do not have to pay rent.

Do you know, Mr. President, for instance, in connection with the Finance Building, there is trouble in that it was not turned over to the state until just a short time ago, and the same thing is true of most of these buildings. A great part of this saving is money we appropriated to take care of that rent, assuming the Democrats had fixed those buildings in shape so that we could use them, but we did not have to pay the rent and now we find that money is available for the unemployed.

How could we possibly employ nurses to look after our tubercular patients, will you pray tell me, when we do not have any equipped buildings to put them in?

Now, Mr. President, with reference to the Butler Sanatorium that building is going to be opened the first of September. With the amendments we made to the State Authority law we have gotten opinions from attorneys and we have at last sold the bonds and they are equipping the Butler Sanatorium just as fast as they can and completing the buildings and we hope to have all the others opened, but, Mr. President, this money in the Department of Welfare and the Department of Health is money that we did not have to pay in the way of rent to the State Authority because the buildings were not completed or equipped; it is money that was set aside by this administration to take care of the sick and unfortunate, with nurse hire and other services that we could not provide because there was not any place to provide it; the buildings were not ready.

I think, Mr. President, we have heard just about enough about this bill. This House Bill No. 10 represents, Mr. President, the culmination of the sound Republican principle of economy and common sense and it represents money that we were not able to spend for the sick and the sore and the needy in our state institutions because there was no place to put them and the Democrats had not prepared the buildings.

I made this statement, Mr. President, to get this record clear.

Mr. SHAPIRO. Mr. President, there is one part of the

statement made by the Senator from Tioga I would like to answer.

Mr. OWLETT. Just a minute, Mr. Shapiro, until I have completed my statement. Mr. President, the Senator from Philadelphia has talked for three days and now I submit I should have my say.

I am leaving this Senate, Mr. President, at the end of this session. Mr. President and fellow colleagues, I had not intended to say anything at this session. As you know, I am leaving the Senate voluntarily. I have enjoyed my stay here during the eight years I have been in the Senate immensely; I have enjoyed the friendships I have had—and I say that honestly and sincerely—I have enjoyed the friends I have made on the left side of this Senate as well as those with my Republican colleagues on the right, but, Mr. President, as shall we call it my swan song? I can not help but stand up here on my feet after hearing for the last eighteen months my party condemned as a heartless party, as a party not concerned with the sick and the infirm and the needy of our state; I say, Mr. President, I can not remain in my seat and not stand up and answer those vicious and libelous attacks that have been made regarding this situation, because they are false, they are absolutely untrue.

I say to you, Mr. President, that every single item of this represents savings as a result of honest conscientious administration of government in this Commonwealth, and it represents the result of hours and hours of work trying to save the money of the taxpayers of our Commonwealth and, Mr. President, I do not know what we could do in these United States of ours if we did not have a few oases in the desert of spending.

Why, Mr. President, in Washington they talk about spending a million, a hundred million, a billion dollars as though it was water, predicated on a lot of talk about the sick and the maimed and the unemployed, and they forget that body of our people, Mr. President, they are not concerned with that body of our people of this Commonwealth and the other states you and I know, Mr. President, the hard-working individual trying to buy his own home, who does not go on the relief roll, who does not want the government to give him a handout at every turn, but who wants an opportunity to work out his own salvation and live as is provided in the American way.

I say to you, Mr. President, if we are going to preserve in this nation of ours, if we are going to preserve this American form of government, if we are going to preserve the American way of living, the time has come when we have to practice economy in government; we have got to have a government that recognizes when you spend the taxpayers' money somebody has got to work and earn it; and that when you pass out money to one person you are taking it out of the pocket of another, who perhaps is making more sacrifices than those to whom you are giving it.

Of course, Mr. President, we all know nobody is going to starve in Pennsylvania or in this great country of ours, and they never have; the sick and the maimed and the tubercular are all going to be taken care of; but my friends on the left and the party they represent have no corner on concern for their fellow men and, Mr. President, the remarks they have made on this bill are the best illustration I have ever observed of the demagoguery we have witnessed in the last ten years in this nation. I say demagoguery advisedly, Mr. President, when they maintain that they are the only ones who are concerned with the problems of our people, and I say again every single Republican, in my judgment, can be proud to vote for House Bill No. 10, as it represents a fulfillment and culmination of the principle of economy for which our party stands.

Mr. SHAPIRO. Mr. President, the gentleman from Armstrong knows more about the Butler Sanatorium than I do, but no amount of noise on the other side, whether it comes from my good friend Senator Owlett, or not, can change the facts and the figures. Mr. President, if you will analyze some of the things the gentleman said, and use that as a basis for how much value you can place on his general statement; I think you will have answered him completely.

In the first place, Mr. President, the gentleman said there was twenty-nine thousand dollars, or twenty-seven thousand dollars, taken from the Governor's expenses; and now there is another reduction. That brought to my mind a statement I made when the budget was here before, which was this, we are talking about economy, economy begins at home, and I recall having picked up the budget, and having read in the Governor's budget for his office, the executive department, functions under the Governor's supervision, in 1937-1939, was $361,500 and in the period 1939-41, it also was $361,500. The gentleman has yelled very loudly, but the facts do not bear out the noise.

Now, Mr. President, the gentleman says the reason the Butler Sanatorium was kept closed was because we could not take it over, it did not have any furnishings. Well, let us look at it calmly.

Sure, I have talked long and frequently. I have not been up here because I could not do something else, I have plenty of other things to do. I am here because I have been elected, and I think this is a crucial program, and if the Governor wants to put the program through and have us say nothing, if he had told us, look fellows, we are going to put this through without you, we will give you your salary, and your fifty dollars for stamps, which we do not need, that is an economy which could have been effected—suppose he had said, instead of giving you five hundred dollars we will give you four hundred dollars, we will give you your transportation even if you do not come here and even if you do nothing about it—there is nothing unusual about that—you can stay home because we have twenty-seven votes sure, and one more vote occasionally we can count on here and there; you might as well stay at home because we are going to get the program through; then he would not have any speeches from me or from the gentleman from Armstrong or any others on this side, but unfortunately, I do not believe enough consideration was given to that, because we came here on the assumption we would be entitled to criticize in a constructive way what was going on.

I assume we all expected there would be a little politics enter into it, each side would do a little jockeying for position; but, Mr. President, you can not jockey with figures, and we regret to advise you that you can not come here and complain about the administration preceding yours just because you hold twenty-seven votes.

Analyze some of the things, Mr. President. Start with the first one, the Governor took a cut and now he is going to take another. He could very easily take that cut, just as the previous Governor could have cut his budget down if he was not in the position that the county chairmen wanted jobs, and some of those fellows get stuck in the Governor's office, and in other offices; that same thing happens in every administration; the payroll of each administration

increases. I have noticed it here in the eight years I have been here—the new governor fires people for the time being but then later on the payroll goes up again when more people are put on, but the department functions just the same and the administration functions just the same.

When the Democrats first came into office I did not notice them firing so many Democrats—we did not have so many Democrats to fire; and when the Republicans came in I did not notice them firing so many Republicans either—and I do not criticize them for that either. But those things happen and they do not help the picture.

But, Mr. President, when the gentleman from Tioga tells me the Governor cut expenses of his office and now he is going to cut them again, we should not be fooled about that.

Now, Mr. President, the gentleman from Tioga discussed one subject which was important. He said we all knew there was a waiting list but they could not open the Butler Sanatorium because there were no furnishings. The Governor did not agree with that, Mr. President, because this is what the Governor said about the Butler Sanatorium in his address in 1939.

"I propose that the sanatorium at Butler be not occupied during the coming biennium. The entire present waiting list of sufferers from tuberculosis can be amply accommodated at the present sanatoria. To occupy the Butler sanatorium would be an unjustifiable expense."

Is there anything said in there about no furnishings, so that it could not be occupied?

There was not.

Anybody with a good memory will know why the opening of that institution was held up. It was because Matt McCloskey was charged with having committed burglary, thieving, robbing or some sort of crime, for which they were going to ask the grand jury to indict him; and for that reason payments and everything else were held up for many months. As a matter of fact, Mr. President, the other buildings the gentleman talks about that were not furnished, were not furnished because the attorney general of Pennsylvania contended they were entitled to receive furnishings from the federal government under the law. The federal government took the other view. That was brought to the attention of somebody and the assistance of this administration was asked and the law was amended by unanimous vote; not with Mr. Sipe voting against it—Mr. Sipe happened not to be here at the time. That has happened even with the gentleman from Tioga.

Now, Mr. President, these people not only amended the act, and got our support; but after they did, in connection with some of the institutions they charged fraud against Mr. McCloskey, and only yesterday I read in the paper that the federal government had finally cleared Mr. McCloskey of those charges, and will pay the money.

Who created that situation, Mr. President? Who started that and who prevented the money from being paid? Why yell and get excited about that? That will not help any but only will cause more excitement.

Now, Mr. President, in connection with the item of $896,000, the gentleman from Tioga said part of it is for rent of these buildings we do not have to use. Again that falls in the face of the facts. There are two bills. One reduces the grant to the State Authority by $1,382,000. Another bill reduces the grant to the State Authority by $190,000. The first bill is for use of rentals in connection with State College. The second bill is for general rentals to the State Authority buildings, rentals which the state has to pay to the General Authority, and if you will remember, Mr. President, a few days ago I asked the gentleman from Tioga to inform us whether the rentals were due and whether this would interfere with the payment on bonds by the General State Authority, and the gentleman from Tioga said, no, that is for buildings not finished or taken over.

When you come to the $896,000 deducted from the appropriation to the Department of Health, which has in charge the state tuberculosis sanatoria and the state hospital for crippled children, there is not a word in that about rent, nothwithstanding the $4,400,000 original grant for buildings we rent—there is a reduction from the $4,400,000 by $896,000 for expenses in operating institutions which the Department of Health intended to operate and which it is not operating.

This is not a saving; you can not tell me that is a saving. You can not tell us, because you are yelling loud and saying, as does the gentleman from Tioga, you are sick and tired of hearing the protests on the other side—I might as well say to my son, I am the boss around here; I am not going to pay any attention to you; you are talking too much. That does not get me anywhere. My son would not have much respect for me if I were to say that; and the public generally will not pay much attention to you if you shout we have no right to talk so much about important problems; you can not criticize us for what you said, your false attitude and making statements not borne out by the facts, and in the same breath say there is nothing in what we say.

Mr. President, I would like the gentleman from Tioga to point out to me where, in that $896,000 reduction, there is an appropriation originally made toward State Authority payments.

I would like the gentleman to say to me—without going into a dither about the fact that we on this side are exercising our right in coming here and criticizing—I have tried to do it constructively, and in the first place I have not heard from anybody—

Mr. OWLETT. Is the Senator from Philadelphia, Mr. Shapiro, interrogating me?

Mr. SHAPIRO. Mr. President, I am just making a statement to the Senate generally in reply to the statements made by the Senator from Tioga. I assume what the gentleman from Tioga said was in good faith and I am pointing out that they are not the facts; and if we can be shown they are the facts I would like to know it.

We have not had this information; then suddenly on the floor the gentleman makes a statement about what these items are, and I have to exercise what little memory I have and in the light of that I have the right to say some of them, in my opinion, are not correct statements. I may be wrong about that, but if the suggestion I made had been complied with that the various gentlemen from the various departments tell us about these things in caucus it may be I could have, as I did on the veterans bill, vote for them; and if nobody would be hurt by the transfers from the Welfare Department I would say all right; but you would not give me that information—when I say you I mean your side—you told me you did not think it was necessary.

Now, Mr. President, we are told we have to take the word of the gentleman from Tioga, but nobody has answered the criticism we have made when we came here.

When we came here we were told nothing about the figures, by the gentleman from Tioga or by the Governor, but we were told the amount made available for relief without new taxes during this administration totals $60,-419,000.

Now, Mr. President, if that amount was made available without new taxes, I would assume that somewhere in the various departments, transferred to the Treasurer's office, there is a surplus of sixty million dollars. He does not say an amount made available by bookkeeping methods but not in cash, he said, "available", and when I went to school the word available meant it was there for you, you could go over there and take it.

That is not changed by the other side at all. In other words; we are told there is an item of $60,419,000 available; it is not a general sum, it is itemized: he says reduction in cost of operation of state government, seventeen million dollars. If that is so, and we appropriated $204,000,000 for the state government, then we ought to have seventeen million dollars left over. He says cancelling and postponing obligations established by the preceding administration amounting to eighteen million dollars. That is, if he originally thought he was going to spend a hundred and fifty million dollars, that is a mathematical sum; he saved a hundred and fifty million dollars —not spending it, so not spending it he saved it. That was not the case because he says it is available, but that money was not available, so he never saved eighteen million dollars.

Savings, January 1st to March 31st, eight million dollars. I assume that was the result of firing those two thousand employees, so therefore it must be available; we awarded the money necessary to pay them, we did not pay them; therefore eight million dollars is a saving.

Reductions in appropriations recommended to the special session $4,419,000. If that is in the same class as the others it must be a saving.

Increase in estimated revenues, thirteen million dollars. If there is an estimated increase of thirteen million dollars, if that happens, you get thirteen million dollars.

Those items, Mr. President, all appear to be of the same kind. You say there are thirteen million dollars available, all these sums are available. Maybe I wrong this administration; maybe these funds are available. If they are then, gentlemen, we have $60,419,000.

Mr. President, then let us go back and revise these bills and do not take thirty-seven millions out of the motor fund and all these other transfers; just take thirteen millions out.

Well, any amount of shouting will not change that fact and, I would like somebody to tell me clearly where is the sixty million dollars, and, when you tell us that, then you will have just cause to complain and say we are obstructionists, but we do not see it, we do not see any sixty million dollars, when you are trying to amass seventy million dollars worth of transfers.

I would like the gentleman from Tioga to tell us. There is nothing personal about this. I admire him. He made the best fight he could under the circumstances; but he can not tell anybody of intelligence he does not have a tough job; he has a lot of explaining to do but his yelling does not explain it, and I do not think his getting mad helps either, because it will be the same situation, he is still going to be in the position of having to find some way of befuddling us by explaining how he is going to have sixty millions of dollars.

I do not have the most intelligence in the world, but the common sense of any boy over twenty-one years of age would make him come to the conclusion, if he had not known the Governor of Pennsylvania, and he would have heard him say we have sixty million dollars available, and we need seventy-three million, he would immediately have known that we only have to raise thirteen million.

But, Mr. President, knowing the Governor, we looked into the matter very carefully, we scanned it and we wanted to find out where the sixty million dollars is coming from, and we stood on our feet and said what we thought about it; and as long as I am permitted to stay in the Senate I will exercise that right. I ask your indulgence, and say it really not because I want to, but because I really think I should.

Mr. SIPE. Mr. President, I did not intend to say anything on this bill, and would not have said anything except that my good friend from Tioga has asked that I make a few remarks.

As you all know, I have taken the floor of this Senate more than twenty times with pleas for the opening of the Butler Tuberculosis Sanatorium; and as you know, notwithstanding the reasons that Brother Owlett has given for the administration not opening the sanatorium, the head of the Department of Health of this state has said the reason he did not open it was because it was not needed. I am talking from the record.

Then, Mr. President, another reason why I thought I should not need to talk on this bill is that I thought it would not be necessary; I thought the battle was pretty nearly won for the sanatoria. Just this morning, my good friend Dr. C. L. Palmer who, as you know, is legislative representative here in Harrisburg for the Pennsylvania Medical Association and, I believe, is also a member of the Advisory Board of the state Department of Health, came to me and told me that I was getting somewhere in the long fight; that the speech made here on this floor on the seventh day of May Anno Domino 1940 stirred up the Health Department and the James administration; that already two representatives had been sent to Pittsburgh in order to get the sanatorium opened much sooner than they had contemplated, so that I did not want to take up the time of the Senate when I was advised by the good doctor that I was winning the fight.

But, Mr. President, I want to make a word of explanation as to the bill I did not vote for. Yes, I did not vote for it; it was pulled out here when I was back home sick. That is why I did not vote for it. I think that everybody who has been familiar with the long fight that I have made for the tubercular sufferers of Pennsylvania knows that I would not stand in the way of the opening of an institution for which opening I have continuously and strenuously pleaded.

Mr. President, I was sorry that Brother Owlett appealed for laughter when talking about the Butler Tubercular Sanatorium. I must frankly say that those who would laugh—and there have been Senators in this body who have laughed at me when I got up to plead for the sanatorium—I am saying now in all sincerity that those who laugh at the misfortunes of the poor tuberculosis sufferers who could not get into the sanatorium, and whose only hope in many cases is to die; as I said yesterday, the hope of the grave, those who laugh at that are a little like a man who would tell funny stories at his father's funeral, or crack jokes over the casket of his mother.

I was sorry too that Brother Owlett repeated the rattle-headed statement of the Governor, made about a year ago, that the Butler Tubercular Sanatorium is built in a swamp. When the Governor got off that utterly rattle-headed, cock-eyed statement The Butler Eagle, the one large newspaper in Butler County, which covers Butler County as a blanket, having fifteen thousand circulation, pointed out the absolute untruth of that statement, and the editors wrote an article in which they stated, after they heard the rattle-headed statement of the Governor, they went out there and viewed the ground—of course they knew the grounds, they had seen them thousands of times, but they told the people of Butler County that instead of getting into a swamp they were almost choked with dust. Now, Mr. President, everybody knows dust does not arise from swamps, and especially this is true in Butler County, so if Brother Owlett wants to know whether the Butler sanatorium is actually built in a swamp, let him ask the editor of the Butler Daily Eagle, who is a member of one of the most honorable and influential families in Butler County.

Brother Owlett knows one of the owners of the Butler Eagle, Mr. President, because in speaking with one of the owners a week ago he told me he had met Senator Owlett in Europe last summer and had come back with him on the boat when they returned home.

But, Mr. President, if the gentleman from Tioga still is not satisfied, let him ask any good Republican in the City of Butler—and I will tell you gentlemen confidentially that there are a good many good Republicans in the City o. Butler, a city of twenty-five thousand. How do I know it? Well, when I ran for the Senate four year ago, the Democratic registration in the fair City of Butler was less than one-third of the Republican registration, yet I carried that city by more than eleven hundred, thereby showing that there are a lot of good Republicans back there. So let the gentleman from Tioga ask any of them.

The Butler Sanatorium is located, Mr. President, on a plateau about six hundred feet higher than the City of Butler. Butler lies in a valley and in order to get into that valley, coming from any direction, you have to go dowi a hill, and in oder to get out you have to go up a hill.

I think Governor James himself knows the sanatorium is not built on a swamp, but is built on a plateau, because some of those good Republican friends of mine in Butler told me some months ago that some time during last summer the Governor came and viewed the sanatorium. I am only speaking from hearsay, I am only telling you what those good Republicans told me, and they said that the Governor drove out from Newcastle to see the sanatorium located on Route 422, about a mile and a half west of Butler, and 422 goes right through Newcastle, twenty-six miles farther west—so those good Republicans told me the Governor came out from Newcastle and went over the grounds—they did not say the Governor and his party brought any skiffs with them or life-preservers to keep them from drowning—and they further told me a number of highlights in the Republican party went out to the sanatorium and met him, and urged him to come on into the City of Butler, but he would not do it; he beat it back to Newcastle. Probably that was the wise thing to do. At any rate, he did not come in.

I do not want to take up the time of the Senate any more, Mr. President, pleading for the Butler Sanatorium because, as I said, I think the battle is won; I think the battle for humanity is won.

Mr. MUNDY. Mr. President, I just want briefly to interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga, permit himself to be interrogated?

Mr. OWLETT. I will, Mr. President.

Mr. MUNDY. Mr. President, may I ask the Senator when he first found out there was no provisions for furnishing the Butler Sanatorium?

Mr. OWLETT. Mr. President, I do not remember the date I first found it out.

Mr. MUNDY. Mr. President, May I ask whether that was recently or some time past?

Mr. OWLETT. Well, Mr. President, it was since Governor James took office.

Mr. MUNDY. Mr. President, may I say that Governor James has been in office now approximately eighteen months? Will the Senator kindly tell us in relatively what part of that period he found there was no provision for furnishing the Butler Sanatorium?

Mr. OWLETT. Mr. President, I think it was some time during last summer; I am not sure.

Mr. MUNDY. Mr. President, may I ask the Senator—inasmuch as in his speech he expressed deep concern for the tuberculous and the infirm in the State of Pennsylvania—may I state in view of that deep concern, that today, one year in the life of the average tubercular patient is not a long period in the development of the case and during that period if the case is not properly treated, dissolution will occur. I do not belive that was expressed only to Senator Owlett, but I stood on this floor and in support of Senator Sipe made a speech in behalf of the opening of this sanatorium, because I knew of the need of cure of the tuberculous in the State of Pennsylvania, and I remember, Mr. President, numbers of the Senators on the other side, including the gentleman from Tioga, gravely and deeply concerned as he seems to be about the problem today, if I remember correctly the only sympathetic gesture I received was from the Lieutenant Governor himself at that time, who was deeply concerned about the opening of this sanatorium; but now I am surprised and amazed today to see this sudden outburst of emotion in behalf of the tubercular, when it took at least one year or probably more for an individual who was so deeply concerned to find out the sanatorium could not be opened because there was no provision for equipment, but it needed the absolute urge for saving dollars to fix their attention on that particular point, and not the call of humanity toward the suffering.

Mr. OWLETT. Mr. President, in answer to the statement of the Senator from Luzerne I merely want to say, as I understood it at the last session of the legislature—you see they built other institutions beside Butler to take care of tubercular patients—and as I understood it during the last session it was expected it would be physically possible to open the other institutions that had been built prior to the opening of this sanatorium, and it was then thought, with those others opened, which would be opened first, that immediately they would not need the facilities of the Butler Sanatorium. However, it was during the session, of course, when I learned there was no provision in the State Authoroity Act for equipping these buildings. And I also understand at the Butler Sanatorium there has been a large expenditure, I think the Senator from Susquehanna can explain that more in detail, but for drainage and other matters something like six hundred

thousand dollars had to be spent there to get that in proper condition.

Mr. COLEMAN. In view of the assurance given my good friend, Senator Sipe, that his dream of the opening of the Butler Sanatorium is soon to be brought to a realization, I think some poet could have expressed himself in these lines:

There is no skill in sailing
When the skies are clear and blue;
There is no joy in doing things
Which anyone can do;
But there is some satisfaction
Which is mighty sweet to take
When Sipe reaches the destination
They thought he could not make.

Mr. EROE. Mr. President, I am going to vote for this bill because I have visited the State Authority and inquired and the sanatorium at Butler is going to be opened. There are a lot of contracts to finish the permanent equipment and landscaping, and I am in the position that I disagree with the Senator from Tioga, and also disagree with the Senator from Armstrong and Butler district, Mr. Sipe.

In the first place, we had a site in Lawrence County and Beaver County for this hospital, much better than the site in Butler County and the site in Lawrence County would have cost the county nine thousand dollars, whereas the much inferior site in Butler County cost the commissioners of Butler County thirty thousand dollars, and then they installed in charge the great unions of Pennsylvania, which had set up a district which included my county, immediately cut my county out of the district, and took in Allegheny County, and so no employes from Lawrence County could work on the Butler Sanatorium; and whereas the relief situation in Lawrence County was three times as bad as the situation in Butler County, of course I was concerned, I was very much concerned; but the House of Guffey, whose sister lived in Butler County, overruled me; and I say a plague on the House of Guffey.

Mr. President, I am for the Butler Sanatorium. Why am I for it? I am for it because the political head of the Health Department is from Philadelphia and he opens up all the tubercular sanatoria in eastern Pennsylvania and leaves us out in western Pennsylvania where our mothers can not visit their children in tuberculosis sanatoriums and the children can not visit their mothers, and that is wrong.

When the superintendent of the Health Department, Dr. Shaw, says there are only sixty-one on the waiting list in Pennsylvania he is mistaken, there are more than that in my county. I can name you some people out in Lawrence County who died waiting to get into a sanatorium. I am for the Butler Sanatorium, even if it should have been put in Lawrence County instead of Butler, and it is going to be opened. I have that assurance; it is going to be opened I know. So I am going to vote for this bill because I want to get the sanatorium opened. So Senator Owlett is wrong and Senator Sipe is wrong. I am right.

Mr. SIPE. Mr. President and gentlemen of the Senate, now we all rejoice in now knowing who is right. I had not intended to take the floor again but I must take the floor, Mr. President; I must take the floor to assure the Senator from Lawrence that I do not know whether the Butler location is better or worse than the location the Senator from Lawrence had in his county, for I never saw that location.

Mr. EROE. Mr. President, I will show it to the gentleman from Armstrong.

Mr. SIPE. I wish to say further, Mr. President, that I had nothing whatever to do with locating the sanatorium. I wrote no member of the State Authority; I wrote no one else; I interviewed no member of the State Authority; I interviewed no one else.

I had nothing whatsoever to do with the locating of that institution, Mr. President, and if in the providence of God it had been located in the fair county of Lawrence, I would have gone to the front for the opening of it just as earnestly as I have since it has been located in my county. Any place in western Pennsylvania would have suited me. I am not a stickler as to location.

Mr. CAVALCANTE. Mr. President, like several others who have spoken this afternoon, I had expected not to talk on this bill, but the gentleman from Lawrence has created enough of energy in me to try to exert myself to tell the truth concerning this bill and a lot of the things that have been said.

The gentleman from the right are forgetting that aged and tested adage that birds of a feather flock together, and it does appear to me that those on my side of the House are not following the moral in the other aged and tested adage that our talk to the other side of the House is like water on a duck's back.

Mr. President, there was just one additional point mentioned here in the argument on this Butler Sanatorium and that was this, that both the gentleman from Tioga, and the Governor, and many others from the other side, stated that there was no money to open up the sanatorium, but, Mr. President, lo and behold, they come now in this same Senate in a little over a year and say, why, we had over nine thousand dollars more money than we actually needed and we are going to take it now for relief.

Mr. President, I think we had better tell the truth about this, the right side of the House is disregarding that tested old adage that birds of a feather flock together.

Mr. President, the gentleman from Tioga misstated the truth on the way the gentleman from Armstrong had voted on the sanatorium bill. All of us here on this side of the Senate know the gentleman from Armstrong, Mr. Sipe, was not here when that bill was voted on.

Now, Mr. President, I have also stated on the floor of this Senate—whatever little part of the floor is left—that the proclamation of the Governor is a statement that contains the essence of dictatorship. We also have shown unmistakably that the program the Governor has given us, and for which you gentlemen conscientiously are figthing, is fraudulent, it is not based on the truth and the facts. Gentlemen, birds of a feather flock together.

Mr. President, during the Governor's campaign for the Governorship his patron saint, his guiding star, was a gentleman from Philadelphia and his newspaper, and another gentleman who turned out to be Cactus Colonel Estes, a renegade from the South—like a few other renegades we have around this state. But gentlemen, I say that birds of a feather flock together and I believe in that adage because when the patron saint of the Governor was finally caught up with the government of the United States showed that he had kept false books in his accounting with the people of the United States of America, Birds of a feather flock together.

Gentlemen, the government caught up with Moe Annenberg in his false bookkeeping with the people of the United States of America and Penitentiary Moe Annenberg is now looking in from the outside.

Mr. President, I am not unjustly accusing him or libeling him because he has already completely confessed to the people of the United States of America that he fraudulently kept his accounts in his affairs with the people of the United States.

Gentlemen, it is inconsistent whenever we send to the penitentiary one man for keeping false accounts with the people of the United States and then this gentleman, the prosecuting district attorney of Dauphin County, permits another man who keeps fraudulent accounts and books in respect to his business with the people of this Commonwealth to go scot free.

Now, Mr. President, it is unjust and unfair—and you might as well tell the truth about these matters. The gentleman from Tioga bellows loudly and with much noise about political demagoguery in this Senate. Why gentlemen, the same birds with which the Governor flocked in his campaign for the Governorship are the same birds that he is flocking with now and who are promoting that bee in his bonnet for the presidency of the United States of America.

Let's not be fooled, gentlemen, I repeat to you again, we are not trying to deceive you in the criticism that we have been making on your program.

We have tried to be sincere and honest, and before this calendar is over we will show you another instance—another matter—in which you have gone wrong because of your steadfast adherence to a spirit of party—it is not very wholesome for a lot of the troubles we are facing—and the reason why this side of the House can not sit down and work this problem out with the other side of the Senate is because of our reluctancy to depart from that party spirit and force ourselves by some slight degree to be prompted and urged on by a little public spirit instead of party spirit. I shall show you later on in this calendar just how your recklessness, your headlong adherence to party spirit makes you introduce here ill-considered, unintelligible and idiotic bills.

Now, Mr. President, this bill here is absolutely bad—and our criticims of it is not captious, but because we sincerely believe you are going to cripple the functions of institutions that deal with the heart aches of humanity rather.

The gentleman from Tioga has now become so charitable and so humane all of a sudden and I would like to know when, at what time, from the floor of this Senate or any other place in the State of Pennsylvania, he ever cast a vote for any piece of social legislation that would benefit the sick and pained humanity that he so loves now when he is about to leave this Senate.

Why, Mr. President, the gentleman from Tioga knows that in the past session he did the same thing we are doing now, he voted for the appropriation bills and voted against all of the tax bills, and how in the name of common sense—well, if I am not right in my memory of that the record will show—my impression is the gentleman from Tioga voted against transfers too, after he had voted for the appropriation, and in many cases he voted against the appropriations—but now all of a sudden some angel has appeared and by some magic ray has changed the heart of the gentleman from Tioga so that now he becomes very humanitarian in his feeling for those people that the gentleman from Armstrong, Mr. Sipe, has been pleading for for more than a year.

Mr. WALKER. Mr. President, in the theme song we have just heard the major premise was that birds of a feather flock together. I can remember in my short stormy political career when the gentleman from Fayette, Senator Cavalcante, and the gentleman from Washington, Senator Reed, and I were all Pinchot Republicans, and who has been derelict in this particular flock is, of course, a question of opinion; but may I suggest to the gentleman from Fayette that the people will make their choice, and also that it is ill-timed to start dragging out political skeletons from closets.

Mr. REED. Mr. President, the good gentleman from Allegheny might speak for himself and the Senator from Fayette on the question of being good Pinchot Republicans, but he is very much misinformed about the gentleman from Washington. If there ever has been a long outstanding Democrat in the State of Pennsylvania it has been that man from Washington County.

Mr. President, I have always tried to give credit where credit is due, and that is why I mentioned the distinguished ex-Governor Pinchot last night—as giving every person credit for any good work that they might do; and I would be willing to give the good Republican gentleman from Allegheny County, Mr. Walker, some consideration for any good work I felt he was doing; but I think perhaps that little statement of last night might have misled the gentleman from Allegheny, and I want to put him on the right track at this time.

And the question recurring,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

| | | | |
|---|---|---|---|
| Bartlett, | Farrell, | Kephart, | Snowden, |
| Chapman, | Fulton, | Letzler, | Stevenson, |
| Crowe, | Gelder, | Mallery, | Tallman, |
| Deitrick, | Geltz, | Miller, | Thomas, |
| Ealy, | Heyburn, | Owlett, | Walker, |
| Edmonds, | Homsher, | Pierson, | Wolfenden, |
| Eroe, | James, | Scarlett, | Woodward, |

NAYS—18

| | | | |
|---|---|---|---|
| Cavalcante, | Haluska, | McGinnis, | Ruth, |
| Coleman, | Jacobs, | Mundy, | Shapiro, |
| DiSilvestro, | Jaspan, | Reed, | Sipe, |
| Frey, | Lanius, | Rice, | Stiefel, |
| Gilson, | McCreesh, | | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

## BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 14, (House Bill No. 11), as follows:

An Act to provide for the expenses of the extraordinary session of the Legislature assembled May sixth one thousand nine hundred forty in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth one thousand nine hundred forty

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary are hereby specifically appropriated for the payment of the expenses of the Legislature assembled in extraordinary session the sixth day of May one thousand nine hundred forty in pursuance of the proclamation of the Governor dated the twenty-ninth day of April one thousand nine hundred forty

To the Senate

For the payment of the salaries of senators and extra compensation allowed by law to the President Pro Tempore of the Senate the sum of twenty-five thousand dollars ($25,000)

For the payment of the mileage of senators the sum of three thousand six hundred dollars ($3,600)

For the payment of postage allowed by law to senators the sum of two thousand four hundred fifty dollars ($2,450)

For the payment of the salaries of the officers and employes of the Senate during and for completion of the work of the session the sum of twenty-three thousand six hundred fifty-seven dollars ($23,657)

For the payment of the mileage of the officers and employes of the Senate the sum of two thousand four hundred dollars ($2,400)

To the Chief Clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars the sum of one thousand dollars ($1,000)

For the payment of the incidental expenses of the Senate including extra clerical and stenographic labor for the office of the Chief Clerk the sum of two thousand dollars ($2,000)

For the payment of the postage labor and incidental expenses in the office of the Secretary of the Senate the sum of five hundred dollars ($500)

To the Secretary of the Senate for the payment of extra services in connection with the compilation of the history of legislation in the Senate the sum of two hundred fifty dollars ($250)

To the House of Representatives

For the payment of the salaries of members of the House of Representatives and extra compensation allowed by law, to the Speaker of the House the sum of one hundred two thousand five hundred dollars ($102,500)

For the payment of the mileage of members of the House the sum of sixteen thousand eight hundred forty-eight dollars ($16,848)

For the payment of postage allowed by law to members the sum of ten thousand two hundred dollars ($10,200)

For the payment of salaries of the officers and employes of the House of Representatives during and for completion of the work of the session the sum of thirty thousand dollars ($30,000)

For the payment of the mileage of the officers and employes of the House of Representatives the sum of three thousand three hundred dollars ($3,300)

To the Chief Clerk of the House of Representatives for the payment of postage on the Legislative Journal bills and calendars the sum of two thousand five hundred dollars ($2,500)

For the payment of the incidental expenses of the House of Representatives including extra clerical and stenographic labor in the office of the Chief Clerk the sum of five thousand dollars ($5,000)

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the Speaker of the House of Representatives the sum of five hundred dollars ($500)

For the payment of the expenses of the Committee on Appropriations of the House of Representatives in examining and analyzing requests of the various departments boards and commissions of the Commonwealth for appropriations and for clerical assistance and other necessary expenses in connection with the work of said committee the sum of one thousand dollars ($1,000) to be paid on warrant of the Auditor General in favor of the chairman of said committee on the presentation of his requisition

Legislative Journal

The expenses for paper and printing of the Legislative Journals shall be paid out of the appropriation to the Department of Property and Supplies for this purpose

For the payment of the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives for making indices for the Journals of each house the sum of two hundred dollars ($200)

For the work of the legislative officials after the close of the session on the Legislative Journal also the proofreading of the appendix and index thereto as provided by law the sum of two thousand dollars ($2,000)

For the payment of the person or persons appointed to index the Legislative Journal the sum of two hundred dollars ($200) in accordance with the act establishing said journal

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 45

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Lanius, | Ruth, |
| Cavalcante, | Fulton, | Letzler | Scarlett, |
| Chapman, | Gelder, | Mallery, | Sipe, |
| Coleman, | Geltz, | McCreesh, | Snowden, |
| Crowe, | Gilson, | McGinnis, | Stevenson, |
| Deitrick, | Haluska, | Miller, | Stiefel, |
| Dent, | Heyburn, | Mundy, | Tallman, |
| DiSilvestro, | Homsher, | Owlett, | Thomas, |
| Ealy, | Jacobs, | Pierson, | Walker, |
| Edmonds, | James, | Reed, | Wolfenden, |
| Eroe, | Jaspan, | Rice, | Woodward, |
| Farrell, | Kephart, | | |

NAYS 1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 15, (House Bill No. 12), as follows:

An Act making an appropriation to aid certain school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one million dollars ($1,000,000) is hereby specifically appropriated to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts in such sums and in such manner as the Superintendent of Public Instruction shall determine and for defraying the necessary cost for the administration thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 46

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Letzler, | Scarlett, |
| Cavalcante, | Gelder, | Mallery, | Shapiro, |
| Chapman, | Geltz, | McCreesh, | Sipe, |
| Coleman, | Gilson, | McGinnis, | Snowden, |
| Crowe, | Haluska, | Miller, | Stevenson, |
| Deitrick, | Heyburn, | Mundy, | Stiefel, |
| DiSilvestro, | Homsher, | Owlett, | Tallman, |
| Ealy, | Jacobs, | Pierson, | Thomas, |
| Edmonds, | James, | Reed, | Walker, |
| Eroe, | Jaspan, | Rice, | Wolfenden, |
| Farrell, | Kephart, | Ruth, | Woodward, |
| Frey, | Lanius, | | |

NAYS 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 16, (House Bill No. 13), entitled:

An Act to amend clause (u) of section four of the act approved the fifth day of December one thousand nine hundred thirty-six (P. L. 1937 page 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by redefining for certain purposes of the act the term "wages"

Mr. EDMONDS. Mr. President, I ask unanimous consent to offer an amendment at this time. The Legislative Reference Bureau has called my attention to the fact that there is a mistake in the printing.

The first section of the bill was read as follows:

Section 1 Clause (u) of section four of the act approved the fifth day of December one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven page two thousand eight hundred ninety-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" is hereby amended to read as follows

(u) "Wages" means all remuneration for employment including the cash value of all remuneration paid in any medium other than cash except that the term "wages" as used in sections three hundred one and three hundred two of this act shall not include (1) That part of the remuneration which after remuneration equal to three thousand dollars ($3,000) has been paid or becomes payable to an individual by an employer with respect to employment during or for any calendar year is paid or becomes payable to such individual by such employer with respect to employment during the calendar year one thousand nine hundred forty and during each calendar year thereafter

(2) The amount of any payment made to or on behalf of an employe under a plan or system established by an employer which makes provision for his employes generally or for a class or classes of his employes (including any amount paid by an employer for insurance or annuities or into a fund to provide for any such payment) on account of (A) retirement or (B) sickness or accident disability or (C) medical and hospitalilzation expenses in connection with sickness or accident disability or (D) death provided the employe (I) has not the option to receive instead of provision for such death benefit is insured any part of the premiums (or contributions to premiums) paid by his employer and (II) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefit to assign such benefit or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer

(3) The payment by an employer (without deduction from remuneration of the employe) of the tax imposed upon an employe under section one thousand four hundred (1400) of the Federal Internal Revenue Code

(4) Dismissal payments which the employer is not legally required to make

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I move to amend Sec. 1 (Cl. (u)), page 3, line 20, by inserting after the word "benefit" the following: S any part of such payment of if such death benefit

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to:

Section 2 This act shall become effective immediately upon its final enactment and shall be retroactive to the first day of January one thousand nine hundred forty

The title of the bill was read as follows and agreed to:

An Act to amend clause (u) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by redefining, for certain purposes of the act, the term "wages."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

Mr. CAVALCANTE. Mr. President, a short while ago I said that further along in this calendar I would show where a bill introduced by the administration here was drawn up along the same line as other legislation and they had left out part of it, so that the bill, the way it appeared on our desks was absolutely unintelligible and idiotic and now they are trying to unload that mistake on the poor printer who printed the bill. That is not so at all.

Mr. SHAPIRO. Mr. President, I have no objection to the amendment, if you want to get that through.

Mr. OWLETT. Mr. President, the bill lies over for printing then; is that correct?

The PRESIDENT. That is correct.

Mr. SHAPIRO. Mr. President, in order not to delay the proceedings I should like to get myself clear on this bill. I know the purpose of drawing additional amendments that were offered in Senate committee yesterday is said to be in order to avoid a constitutional question of improper classification or discrimination, but I am inclined to think this section adds a new class of exemption to persons in the payment of taxes, and therefore I should like to interrogate the gentleman from Montgomery, Mr. Edmonds, because I understand he had charge of these amendments.

The PRESIDENT. Will the Senator from Montgomery, permit himself to be interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, it is true, is it not, that this section headed No. 2, which is incorporated in the Senate amendment, is a new section and does not appear in the previous act?

Mr. EDMONDS. It does not appear in the previous Pennsylvania act, Mr. President, but it has been in the federal act since 1939.

Mr. SHAPIRO. Mr. President, the purpose of this new section, as I read it hurriedly, seems to me to be whereas persons who had a self-insurance fund, as we call it for unemployment purposes, has unemployment insurance plans and they were excluded and were not entitled to exemption from payment of the tax and they will now be exempted from the payment of the tax?

Mr. EDMONDS. That is correct, Mr. President.

Mr. SHAPIRO. In other words, Mr. President, to the extent to which they had paid into the fund there will be an exemption to them? In other words, if our tax amounted to three per cent of the payroll and they have a fund into which they contribute two per cent of the payroll, to the extent of two per cent they will be exempt from payment of the tax.

Mr. EDMONDS. That is correct, Mr. President.

Mr. SHAPIRO. Now, Mr. President, I would like to call to the attention of the members of the Senate—this side as well as the other side of the house—the reason I am discussing this tonight is because tomorrow, if you are going to start to change it whatever you want to do about it will take you another day.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, permit himself to be interrogated?

Mr. SHAPIRO. Certainly, Mr. President.

Mr. OWLETT. Mr. President, I think the statement of the Senator from Philadelphia was not exactly accurate. The two per cent is not credited against the three per cent, leaving only one per cent; the taxpayer merely does not have to pay direct on the amount of money that two per cent represents. In other words, it is not added to the wages.

Mr. SHAPIRO. I understand that, Mr. President, it is to the same effect.

Mr. EDMONDS. The amount of any payment made on behalf of an employe is subtracted from the wages, that is all, so that he does not have to pay twice on that portion of his wages.

Mr. President, in other words, we are introducing into this bill not the question of definition of wages but under the clause definition of wages you are introducing an exemption; you are saying now that which we were unwilling to say before, namely, that persons who have their own unemployment compensation fund shall not, to the extent to which they pay into the unemployment compensation fund pay to the government. Don't you see, Senator, you could not have said it before, because it was only last year the federal government changed the basis of the law so as to make this possible; and by that change it gives opportunity for this kind of a provision.

Mr. SHAPIRO. Mr. President, that is a point on which we differ, I do not agree with the Senator from Montgomery. I think it ought to be given more thought. I do not agree that the government prorated the exemption to self-insurers as to employment and I understand when this bill was first planned there was an attempt made—we all discussed the advisability of amending the law so as to allow persons who had their own unemployment compensation fund to maintain that fund and not be obliged to pay a tax into the federal government.

Now, Mr. President, if this bill is to lie over, we can consider that during the evening; but I bring that to the attention of the House and Senate now, because I hope it is not their intention to create a new situation.

Mr. DENT. Mr. President, I am on the committee and I will say it is not the intention to exempt the percentage, only that particular amount of money that was based on a payroll proposition, that goes into a private fund.

In other words, if a man receives a hundred dollars in wages, and two dollars is put into a private fund for his benefit, then only ninety-eight dollars will be taxed for the fund.

There is nothing wrong with the set-up, Mr. President; in that particular it is all right. I will have to disagree with my colleague, but that is the truth.

Mr. SHAPIRO. Mr. Presdent, I desire to interrogate the Senator from Montgomery.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. EDMONDS. Mr. President, I will.

Mr. SHAPIRO. Mr. President, on the basis of what salary will the employe receive compensation from the compensation board, under this situation, assuming his salary is one hundred dollars?

Mr. EDMONDS. Mr. President, I would say there is no change in that at all. The change is in the definition of wage upon which the tax is based. There is no change in the definition of benefits.

Mr. SHAPIRO. Which means, Mr. President, that an employe receiving a hundred dollars, where there has been a contribution of two dollars to the fund, will receive from the compensation fund on the basis of the original hundred dollars?

Mr. EDMONDS. Well, I confess, Mr. President, I have not the familiarity with the benefit funds.

Suppose the Senator from Philadelphia saves his inquiry until tomorrow. I will find out about it.

And the question recurring,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

And said bill as amended having been read at length the third time and agreed to.

Ordered, To be laid over for printing.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 17, (House Bill No. 14), as follows:

An Act to amend paragraph (a) of and to add a new paragraph (1) to section two thousand four hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and providing that such civil service employes of the board as are necessary for the cleaning care preservation and protection of such building and the furnishings records and other matters therein and the operation of its mechanical plants shall perform their duties under the supervision of the Department of Property and Supplies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph (a) of section two thousand four hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrattive departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined which section was last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five) is hereby amended to read as follows

Section 2402 Grounds Buildings and Monuments In General The Department of Property and Supplies shall have the power and its duty shall be

(a) Subject to the powers by this act vested in the Board of Commissioners of Public Grounds and Buildings to control and supervise the State Capitol Building and the public grounds and buildings connected with the State Capitol including the State Arsenal the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and the Executive Mansion and to make or supervise the making of all repairs alterations and improvements in and about such grounds and buildings including the furnishing and refurnishing of the same and also to have general supervision over repairs alterations and improvements to all other buildings lands and property of the State except as in this act otherwise provided

Section 2 Section two thousand four hundred two of the said act as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand eight hundred sixty-five) is hereby further amended by adding thereto paragraph (1) to read as follows

(1) To supervise the work of employes of the Pennsylvania Liquor Control Board who are employed by the board for the cleaning care preservation and protection of the Northwest Office Building and the furnishings records and other matters therein and for the operation of the mechanical plants in such building

On the question,

Will the Senate agree to the bill?

Mr. JASPAN. Mr. President, I desire to interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will, provided the Senator will make it very brief. We want to get finished.

Mr. JASPAN. I assure you Mr. President, I will be brief. Does the bill, Mr. President, in any way affect civil service as constituted under the Liquor Control Board.

Mr. OWLETT. Mr. President, it does not.

Mr. JASPAN. Mr. President, I desire to interrogate the Senator from Tioga further.

The PRESIDENT. Will the Senator from Tioga permit himself to be further interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. JASPAN. Mr. President, does this bill call for any transfer of employes from the Liquor Control Board to the Department of Property and Supplies?

Mr. OWLETT. Mr. President, only as to supervision of those who have charge of the buildings.

Mr. JASPAN. I take it from that, Mr. President, that the Department of Property and Supplies will not be able to hire or fire; is that correct.

Mr. OWLETT. That is correct, Mr. President.

And the question recurring,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Kephart, | Scarlett, |
| Chapman, | Gelder, | Letzler, | Snowden, |
| Coleman, | Geltz, | Mallery, | Stevenson, |
| Crowe, | Gilson, | Miller, | Tallman, |
| Deitrick, | Heyburn, | Mundy, | Thomas, |
| Ealy, | Homsher, | Owlett, | Walker, |
| Edmonds, | Jacobs, | Pierson, | Wolfenden, |
| Farrell, | James, | Rice, | Woodward, |

NAYS—14

| | | | |
|---|---|---|---|
| Cavalcante, | Haluska, | McGinnis, | Shapiro, |
| Dent, | Jaspan, | Reed, | Sipe, |
| DiSilvestro, | Lanius, | Ruth, | Stiefel, |
| Frey, | McCreesh, | | |

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 18, (House Bill No. 15), as follows:

An Act to amend section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the filling of vacancies occurring in either house of the General Assembly whether or not it be in session at the time of the happening of such vaçancies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 628 Special Elections for Senator and Representative in the General Assembly Whenever a vacancy shall occur in either house of the General Assembly whether or not it then be in session the presiding officer of such house shall issue within ten days after the happening of said vacancy a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth for a special election to fill said vacancy which election shall be held on a date named in the writ which shall be not less than thirty (30) days after the issuance of said writ The presiding officer may fix in such writ of election the date of the next ensuing primary municipal or general election as the date for holding any such special election Provided however That should the Governor after the issuance of the said writ of election advise the presiding officer that the General Assembly will be called into extraordinary session prior to the date set for such special election the presiding officer may countermand the writ theretofore issued and issue a new writ of election fixing therein such earlier date therefor as is deemed expedient but which shall not be less than thirty (30) days after the issuance of said writ.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I think we ought to get the record straight on this bill. This is the bill to which I called attention, the bill which deals with the time and method in which vacancies can be filled in the legislature where there is a vacancy when the Senate is not in session or the House is not in session. I notice there is an amendment attached to this bill. My complaint about the bill was it does not make it mandatory on the part of the Lieutenant-Governor, if there is a vacancy and he does not recall the mandate when he fixes the time for election, he must then fix a new date. So these words were inserted "which date shall not be less than thirty days" and so forth.

What I object to, Mr. President, is that it does not read "which date shall be fixed." In other words, that it shall be fixed. It still leaves it discretionary with the president of the Senate as to whether or not he shall fix a date. This does not say the date shall be fixed by him and I think it is important enough to amend. We have time to do it.

## BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 18, (House Bill No. 15), on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 19, (House Bill No. 16), as follows:

An Act to further amend clause (a) of section nine of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assist-

ance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section nine of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (Pamphlet Laws one thousand ninety-one) is hereby further amended to read as follows

(a) Dependent Children A dependent child is defined as any needy child under the age of sixteen or under the age of eighteen if found to be regularly attending school who (1) has been deprived of parental support or care by reason of the death continued absence from the home or physical or mental incapacity of a parent and who is living with his father mother grandfather grandmother brother sister stepfather stepmother stepbrother stepsister uncle or aunt in a place of residence maintained by one or more of such relatives as his or their own home and (2) has resided in this Commonwealth for one year immediately preceding the date of application for assistance or has been born in this Commonwealth within one year immediately preceding the date of such application of a mother who has resided in this Commonwealth for one year immediately preceding the birth of the child

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. This, Mr. President, I as assuming, is the bill supposed to make this act conform with the federal act. I would like to call attention to the fact that you have now created a condition under which the Department of Public Assistance is to determine what is a needy child. In this whole act there is nothing which sets up a measure of what is a needy child.

Now remember, Mr. President, this act proposes to do two things: first, it increases the possibility of the state getting further participation from the federal government on what was called formerly dependent children, by bringing into the class those persons who are available for assistance. Under that definition those children under eighteen who are attending school will be brought in.

Now, so far as that goes it is all right. The federal government inserted in that act a word it never used before, that a dependent child is defined not as any child, as it was heretofore, under sixteen; but is any needy child under the age of sixteen, which means somebody will have to determine what is a needy child. Who is going to determine that, the way this bill is drawn?

It might be under the general provisions which are incorporated in all these acts, that the department shall make rules and regulations for the purpose of carrying into effect these acts. But the question in my mind is, do you want the department to have that function?

In other words, Mr. President, is that not more than a regulation? Does that not place in the hands of the department the right to make its own definition of a needy child?

Mr. EDMONDS. Mr. President, I have a letter here from Secretary Russell that he sent by request in order to explain the situation. It does not answer specifically the question of the Senator from Philadelphia, Mr. Shapiro, but I think it helps. It is as follows:

May 13, 1940.

The Honorable Franklin Spencer Edmonds
Senate of Pennsylvania
Harrisburg, Pennsylvania

Dear Senator Edmonds:

"The following statement constitutes an explanation of the recommendation which we have made to the Legislature for a change in the definition of the term "dependent child".

"The Public Assistance Law, as amended by Act 384, approved June 26, 1939, defined the term "dependent child" so that it conformed to the definition in the Federal Social Security Act approved August 14, 1935, which read as follows:

> "The term 'dependent child' means a child under the age of sixteen who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives as his or their own home;"

"Amendment to the Federal Social Security Act approved August 10, 1939, redefined 'dependent child' as follows:

> "The term 'dependent child' means a needy child under the age of sixteen, or under the age of eighteen if found by the State Agency to be regularly attending school, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or their own home;"

"Under the State law, therefore, we are carrying on General Assistance children between the ages of sixteen and eighteen who are attending school, for whom we could get Federal participation if they were included under the program for Aid to Dependent Children. It is estimated that the transfer of such children from General Assistance to the program for Aid to Dependent Children might save the State as much as $50,000 per month.

"It is desirable, therefore, that the definition of 'dependent child' in the Public Assistance Law be changed to conform to the definition in the Federal Social Security Act, as amended August 10, 1939.

"May I further add that this proposed change does not constitute an extension of eligibility since the persons to be transferred to the Aid-to-Dependent-Children programs are persons already receiving General Assistance."

Sincerely yours,
HOWARD L. RUSSELL
Secretary.

Now, Mr. President, the amendment to the Federal Social Security Act, which was approved August 10, 1939, redefined a dependent child as follows—this is the amendment that bring in the needy child:

"The term dependent child means a needy child under the age of sixteen or under the age of eighteen if found by the state agency to be regularly attending school, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, brother, sister, stepfather, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one or more of such relatives as his or their own home."

Personally, Mr. President, I had some little hesitation about this because when I saw that children of sixteen and over were attending school it looked to me possibly there was a tendency in the direction of compulsory attendance until the age of eighteen, and I am not certain there should be compulsory attendance between the ages of sixteen and eighteen. It may be all right applying to a boy going to school now, and if a boy up to eighteen can improve himself by continuing his attendance at school by all means let him do it, it will be a good thing for him and a good thing for the community. We have got to change our definition of a dependent child though.

As I recall the term needy child it is not a new term, and undoubtedly it is defined in the regulations of the department; and undoubtedly we in Pennsylvania must make our regulation correspond with the federal regulation, otherwise we will not qualify under the object of the act and if it will save six hundred thousand dollars a year, thereby adding to the assistance fund that much, it seems to me to be desirable.

Mr. SHAPIRO. Mr. President, I want to say I was not inattentive deliberately when the Senator from Montgomery read the letter. I think I read the letter yesterday when we were discussing the amendments but that letter does not cover all of the subject, as I understand it. From what the Senator has said, if the department at Washington adopts a definition of the term needy, our regulation will have to conform, but I am afraid both sides of the House could complain that in the departmental making of laws, we are relaxing our principles, in allowing somebody else to make laws for us.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Lanius, | Scarlett, |
| Cavalcante, | Fulton, | Letzler, | Shapiro, |
| Chapman, | Gelder, | Mallery, | Sipe, |
| Coleman, | Geltz, | McCreesh, | Snowden, |
| Crowe, | Gilson, | McGinnis, | Stevenson, |
| Deitrick, | Haluska, | Miller, | Stiefel, |
| Dent, | Heyburn, | Mundy, | Taliman, |
| DiSilvestro, | Homsher, | Owlett, | Thomas, |
| Ealy, | Jacobs, | Pierson, | Walker, |
| Edmonds, | James, | Reed, | Wolfenden, |
| Eroe, | Jaspan, | Rice, | Woodward, |
| Farrell, | Kephart, | Ruth, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 20, (House Bill No. 22), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and from a point at or near Irwin in Westmoreland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of Ohio and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, I ask unanimous consent to offer amendments at this point and I also ask unanimous consent to explain just a little about them in advance.

This is the bill relating to the turnpike extension which was proposed to go from Middlesex, I think it was, down to near Philadelphia. The amendments that have been prepared cover three points.

In the first place, with the consent of the Senator from Allegheny, Mr. Fulton, the amendments strike out all of the amendments that he introduced last night. There seems to be a consensus of opinion among the attorneys, which is also supported by the attorney general, that the amendments introduced by Senator Fulton could not be considered under the Governor's call, and therefore it has been agreed they should all be stricken out.

In the second place, in regard to the planning of the route it is recognized, and I think everybody here will see, that the western end of this turnpike had the route planned to a certain extent because the route went through certain tunnels and consequently people knew where the route was to go.

On the eastern half, Mr. President, there is nothing that has been done with reference to the route; it is thickly populated, with many prosperous communities in there—and that was the feeling of the people themselves, in order better to protect themselves against capricious building of the route—and consequently there has been an amendment consisting of one word, which is very

satisfactory to the senators from southeastern Pennsylvania, namely, that a survey shall be conducted, as before, but that it shall be approved by the Governor. We are satisfied with that, and we hope the Senate will be satisfied with it. In addition to that the Governor is in favor of this bill as amended at our request.

Now, Mr. President, the third change is this: There seems to be some doubt as to whether or not under the terms of that turnpike extension bill the engineers of the Turnpike Extension Commission could not come on a piece of ground, make their borings in the midst—perhaps of a field of what or corn, and then decide the borings were not satisfactory, and walk off leaving the mess as it was.

There was no specific provision in the bill that seemed to cover that situation and consequently we have added this phrase: "Provided, however, that the Commission shall make reimbursement for any actual damages resulting to such lands waters and premises as a result of such activities."

Now, Mr. President, with those three clauses or amendments, the first eliminating what was inserted last night; the second adding the Governor to the survey; the third to provide for reimbursement in the case of those incidental damages where they go in to investigate and decide not to take the land—those three points are covered by these amendments; and in order that the bill may be before us in printed shape tomorrow.

MOTION REQUESTING UNANIMOUS CONSENT TO OFFER AMENDMENTS

Mr. EDMONDS. Mr. President, I ask unanimous consent to offer amendments at this time.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I assume the procedure is to find out whether the Senate will grant unanimous consent.

The PRESIDENT. Do you not think the amendments should be read first?

Mr. SHAPIRO. No, Mr. President, I think the question should be acted on. The motion now is whether the gentleman may have unanimous consent to offer the amendments.

Therefore I would like at this time to first find out a few things.

I think you will recall a few hours ago the gentleman from Tioga, said if we would only sit down and cooperate on these matters we would get somewhere. I would like to state first of all, on this bill, I have been very anxious to do that. I think you will recall last night I called attention to the fact that the amendments being introduced were not being given the serious consideration to which they were entitled. I have never been asked by anybody to sit down and cooperate on this program; no member of the Democratic side has; and this is an important piece of legislation and we are affected by it and we have responsibilities.

Mr. President, the gentleman from Montgomery says these amendments are all right and they will cover the subject. That may be true from his point of view, but there are other questions raised over here. Are they not entitled to consideration? You did not agree last night to allow further consideration to the amendments then under discussion; the thing that was done last night was wrong; but it was your votes that did it, not ours.

Now, Mr. President, we suggest this amendment that you offer now does not cover certain things. We do not think they were brought to your attention. For instance, one of the most important things that should be covered, in my opinion, is whether or not that word "convenient" should be allowed to be in the bill.

Not only do you have the right to take property which is necessary for the public purpose involved, but you have the right to take property which may be convenient—convenient in the opinion of the Turnpike Commission.

In addition to that, it would seem to me in a thickly populated farming district, a rich farming district, such as this through which the turnpike is to go, people who have an interest in the farms, who have no other place to go, whose farms might be destroyed by this turnpike, should have a right to appear some place and voice their protests in a way that would be understood against the location of the turnpike over their acres. Are you going to allow the convenience of the situation to be considered only from the point of view of the Turnpike Commission and not from the point of view of the farmer?

I suggested earlier this morning we would agree to allow these amendments to go in, whether it would be by unanimous consent or by taking the bill back to second reading, if we could sit down with the committee members, Senators from this side as well as the other side, let those men sit down and look at this thing as a practical proposition, because we are all interested in working out a solution which will take care of all the interests.

You have given no consideration to the suggestion made by the gentleman from Westmoreland, which is that those damage claims have not been paid. And in that connection I should like to read a letter which I received, which I say should be considered. This is from Mr. Walter A. Jones, Chairman Pennsylvania Turnpike Commission. Nobody would say I am a friend of Mr. Jones particularly. This letter is addressed to our Caucus and reads as follows:

"As Chairman of the Pennsylvania Turnpike Commission I beg to call to your attention the great importance as a national defense measure that the proposed bill for the extension of the Turnpike to Philadelphia be expedited as quickly as possible in the form as passed by the House of Representatives. I say this because while it is not generally known, the basic reason that we were able to finance the original route from Pittsburgh to Harrisburg was to obtain through the Allegheny Mountains a high speed road that could be used in all types of weather for military defense. In view of the world events today, as you have read in the morning papers, it is most unfortunate that the original bill did not provide for the construction from Pittsburgh to Philadelphia in the beginning. Had this been done we would have had this entire road finished this summer ready for an emergency. Therefore, without going into detail I beg of you to permit no minor political influence to retard your support of this measure and further I urge you to call upon your colleagues on the other side of the aisle to do the same and join with you to pass this bill as quickly as possible. If it is passed unanimously, it will greatly aid the financing the project.

"If I had the opportunity I would be glad to explain to any of you individually or collectively how insignificant are some of the complaints which are now being voiced compared to the greatness of the very necessity of this highway itself. From a relief standpoint alone it should not be retarded because it will mean the spending of approximately $75,000,000 of fresh money within the State brought in from without.

"I have refrained from taking part in this matter but

today the situation looks so serious that I feel constrained to send you the above message.

"With sincerest respect, I am Yours very truly,

WALTER A. JONES, Chairman."

Now, Mr. President, the Senator from Armstrong or someone else got up here today and said most of this is machine work, most of it is contract work, and if you look into it you will find most of the contracts were awarded to outsiders, not to Pennsylvanians.

Mr. President, are we going to make awards of contracts for roadways in this commonwealth without some check as to whether or not we are actually going to be benefited by the spending of these monies? Is it not fair that this matter be given that consideration?

I tell you frankly in its present form I think the bill is vicious, doing the very thing you gentlemen have been complaining about; it turns over to somebody else so much authority to do with my property what they want. The point of nausea might be reached and maybe the point of saturation.

Mr. President, I am opposed to unanimous consent and insist only for the purpose of doing this, getting the bill back to second reading we also will have the same opportunity to offer amendments, and therefore it is not purely a technical objection. You have the votes to put it back to second reading, and offer amendments; and pass them without opposition.

My suggestion is—I am willing to take up the Senator on his word this afternoon—let us sit down and work out amendments we can agree on.

Mr. EDMONDS. Mr. President, may I say in the first place, I agree with the Senator from Philadelphia's statement that these states within a state are vicious. We are creating a state within a state at the present time, and I will always be against that very strongly but we are faced with a condition here that there is a Turnpike Commission that built one-half a road, seemingly a very excellent public work so far as we can find out, and it seems to me to be the natural agency to finish the other half. But they also have confessed that they have no plans for the other half; they tell us it will take from six to eight months to make the surveys that are essential to work out the plans for the road. We think the six to eight months before the legislature meets next January could be well used in working out a survey and in seeing that the negotiations with the federal government over the use of federal funds are conducted.

I may have something to say, and perhaps we all will have something to say, about amending this bill next January, as to its details.

Mr. President, I am not satisfied with the statement of conditions to which the Senator from Westmoreland, called attention yesterday. I asked the attorney general if he would not telephone over to the attorney for the commission and ask him to give us the exact facts and the commission stated it has taken seven hundred properties; it has fifty deeds, it has a hundred contracts in the course of agreement as far as money is concerned, but signatures have not yet been procured, where one or two parties must sign; it has fifty more in which tentative agreements have been effected. That means there are five hundred in which there is no agreement and in which slight progress has been made. I do not like that. If that were in Philadelphia or Montgomery County I think we would call that a denial of justice and, hence, a very grave mistake.

In justice to the commission, Mr. President when they were asked the question as to why all these farmers have not been paid, their answer was because they have been putting forth every effort to finish this turnpike by July 1, 1940, not only on account of litigation, but because of certain other details.

They state the turnpike is needed for public use at this time, and they have used every effort to get it ready, and possibly this other work, as important as it is, has suffered. I think it a mistake to let anything of this kind be delayed, and therefore I voted for the Dent resolution last night, and I think the Dent resolution has done good. I think it has stirred up dust and brought a little more vitality into it.

As to the things Mr. Jones has in mind, Mr. President, I am quite sure they are all things that can be done if we pass the bill in a form which will, during the six months, allow the surveys to be made, so that the lines can be determined, and also they can conduct negotiations for the federal funds; and then, if there is legislation necessary in order to abridge powers or provide methods, I hope sincerely we will get it, because I do not think out west they have had a fair deal.

Mr. SHAPIRO. Mr. President, somebody just said if we do what I suggest we will have to stay here all night. We are all here tonight, and if anyone is willing to deny this is not sufficiently important to stay here tonight, I would like to hear him.

I disagree with the proposition that has been suggested by the gentleman from Montgomery, as to what may be done six months from now. I do not know what the situation will be six months from now and I do not know that there is any law that requires that this road should be finished by July 4th; I do not know what the situation will be six months from now. In other words, Hitler said he was going to go into Poland and Holland because the English were going to take possession; the Turnpike Commission says in their opinion this road must be finished by July 4th, and therefore, for the farmer who must wait for his money it is just too bad.

Let us not make those mistakes any more. We can do these things tonight and I am willing to sit down with any committee and I am sure we could sit down and work out a bill. But do not neglect a bill because you want to adjourn tomorrow or the next day. Tomorrow you may not be here with your good intentions; somebody else may be occupying my place, and if Hitler does not like it maybe none of us will be here.

Mr. EDMONDS. Mr. President, as I understand the gentleman from Philadelphia, Mr. Shapiro, he objects to my amending the bill on third reading, and suggests we should reconsider the vote by which the bill passed second reading. I agree absolutely with that but I can not make that motion; I voted against the bill on second reading.

Mr. SHAPIRO. Mr. President, I suggest we allow the bill to stand in its present condition, and that we have a conference, at which time the amendments offered by both sides can be agreed upon, that is, the essential amendments, and then we can come back tonight if necessary, and offer those amendments.

Mr. EDMONDS. Mr. President, why not have the vote by which it passed second reading reconsidered, if someone will make the motion, and have these amendments

put in? If any amendments are developed tonight, I will not object.

Mr. SHAPIRO. Mr. President, it is up to the gentleman from Montgomery; the procedure is immaterial to me.

Mr. EROE. Mr. President, I think this bill is very vital to the Commonwealth of Pennsylvania and although it does not do my district a whole lot of good, it does some good. This is a self-funding project, in which we are all vitally interested. It takes men off relief, in spite of what the Senator from Armstrong said. If he should visit any cement company in the county he will find, possibly, I do not know, but possibly he will find there have been a lot of cement contracts awarded.

Now, it is true that seventy miles of this road, from down the line here to Philadelphia, is up for construction, and also it is true on the western end we have forty or fifty miles constructed.

As to that part to be constructed, we hope to do it; but it is not true that they did not take men off relief, because the federal funds that are contributed to this road are based on the men they take off relief.

Now, Mr. President, every man they take off relief reduces the relief load of the Commonwealth of Pennsylvania; and every man who is employed in cement plants or steel mills in Butler County are men that possibly may have been on relief.

Mr. JASPAN. Mr. President, I feel that some attention should be paid to our distinguished Senator. They are all standing up.

The PRESIDENT. The Senator from Philadelphia requests that the Senators take their seats in order that the Senator from Lawrence may be heard.

Mr. EROE. Mr. President, we in western Pennsylvania want the road extended from Irwin to the Ohio line, as well as the people in the eastern part of the state want the road extended from Chambersburg or Carlisle to Philadelphia. We will all profit by it and it is a self-funding proposition, and every dollar spent on that road means a dollar off relief. I do not think the Senator from Butler County, when he made his statement it did not take anybody off relief, knew what he was talking about, because indirectly in his county it did take them off; and it also took them off relief in the County of Allegheny, from which Senator Frey comes.

Mr. President, I think this bill should be amended and passed right here and now.

MOTION TO RECONSIDER VOTE BY WHICH SENATE BILL NO. 20, (HOUSE BILL NO. 22), PASSED SECOND READING.

Mr. FULTON. Mr. President, I move that the vote by which Senate Bill No. 20, (House Bill No. 22), passed second reading be reconsidered.

The PRESIDENT. How did the Senator vote?

Mr. FULTON. Mr. President, I voted aye.

Mr. OWLETT. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. OWLETT. Mr. President, I voted aye.

On the question,

Will the Senate agree to the motion?

Mr. FULTON. Mr. President, after all this oratory today, for about three minutes I should like to explain my position on this bill.

I am very much in favor of the bill to extend the turnpike to the western part of the state, and I am very much in favor of the highway going through to Philadelphia. I think that issue should be raised at this time, and that was my reason for introducing amendments yesterday.

However, because I am in favor of the eastern extension as well as the western extension, I will do nothing that will interfere with the one authorization, the eastern extension, and therefore I have gone along and asked that these amendments be stricken.

Now, as far as the reason for doing it is concerned, Mr. President, I might say to you that the super-highway extension to Philadelphia, of course, was within the Governor's call. The Governor's call was for the purpose of extending the highway to go into Philadelphia. The main purpose of the legislation is the extension of the highway. Of course, there was a severance in the original bill and even though there may be a question of unconstitutionality on the western extension, that would in no way affect the eastern extension. However, because the title is amended, there was some real question it might cause extended litigation and therefore delay the eastern extension.

I might say in answer to the Senator from Westmoreland when he made a comment on my introduction of my amendments yesterday, that there was no intent in my mind to in any way interfere with the extension to the east.

However, I might say to him that I would feel that if he re-introduces his amendment that he would be doing it for the purpose of delay, because if the eastern extension is held up until the present damage claims are all paid and settled under the present super-highway act it will be a period of three years and before that time your federal government allotment will have gone the way of all flesh, so that if such an amendment is put in you will have a serious delay, and I think the Senate's attention should be called to that fact.

I therefore call upon the Senator from Westmoreland to refrain from introducing his amendment—and then there would be no occasion for delay, and no occasion for the question of constitutionality to be raised.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Fulton.

The PRESIDENT. Will the Senator from Allegheny permit himself to be interrogated?

Mr. FULTON. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, does the gentleman from Allegheny think the Governor can constitutionally say in his proclamation to this Senate, you can extend this turnpike from Middlesex to Philadelphia and not from Irwin to the Ohio border?

Mr. FULTON. Mr. President, would the Senator from Fayette make his question more clear.

(The inquiry of the Senator from Fayette was read by the stenographer)

Mr. FULTON. Mr. President, I feel when you have a question that has to be decided by the Supreme Court and then the gentleman is calling upon me to decide what the Governor thinks and what the Supreme Court will say, it is going a double step and I might in turn ask what the Senator from Fayette thinks I would think the Governor would think the Supreme Court would think.

Mr. CAVALCANTE. Mr. President, I do not know. I know we do not do a whole lot of thinking, but what we should do is do a little more reading, more than thinking, because apparently, our thinking does not agree.

The Constitution can not be mistaken, Mr. President and the form of government we have can not be mistaken; it is a democratic form of government, a representative form

of government, and when the Governor of this commonwealth undertakes to say you can do this and nothing else in his proclamation he departs from that form of government. He is doing the same thing Stalin did in Russia, and Hitler has done in Germany, and other dictators have done somewhere else, when the discretion and the deliberation and the will of the legislative body is taken away—you have purely and simply a dictatorship and nothing else.

Mr. SHAPIRO. Mr. President, do I understand by the offer of this motion that the suggestion I made that we have a conference is not acceptable.

Mr. EDMONDS. Mr. President, not exactly in that way. The understanding I have is that we are going to ask for a vote on these amendments on second reading tonight. Naturally that does not prevent us from getting together and working out anything we can work out, and if the Senator from Philadelphia, Mr. Shapiro, has a proposition good and sound when the bill is read on third reading tomorrow we will be only too glad to consider it.

Mr. SHAPIRO. That, Mr. President, is another way of saying no to the proposition I made.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Mr. EDMONDS. Mr. President, I offer the following amendments to Senate Bill No. 20, (House Bill No. 22), and ask their immediate adoption.

Amend page 1, line 6 of the title, by striking out at the end of the line the following: S "[S and from a point at or near Irwin]"; S Amend page 1 by striking out lines 7 and 8 of the title; Amend page 1, line 9 of the title, by striking out at the beginning of the line the following: S "[the State of Ohio]"; Amend section 1, page 2, line 3 by inserting at the beginning of the line the word: S "Philadelphia"; Amend section 2, page 3, line 1 by inserting after the word "by" and before the word "the" the following: S "the Governor and"; Amend section 2, page 3, line 3 by striking out at the end of the line the following: S "[S and from a]"; S Amend section 2, page 3, by striking out lines 4 and 5; Amend section 2, page 3, line 6 by striking out at the beginning of the line the following: S "[sylvania and the State of Ohio]"; Amend section 4, page 4, line 3 by striking out after the word "by" and before the word "shall" the word: S "[them]"; and inserting in lieu thereof the following: "this act to said commission"; Amend section 4, page 4, line 12 by striking out at the end of the line the followin: S "[S and from a point or at or]"; S Amend section 4, page 4, by striking out lines 13 and 14; Amend section 4, page 4, line 15 by striking out at the beginning of the line the following: S "[the State of Ohio]"; Amend Section 9, page 13, line 12 by inserting at the end of the line, after the word "pending" the following: S "Provided however That the commission shall make reimbursement for any actual damages resulting to such lands waters and premises as a result of such activities."

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second reading as amended?

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Blair, Mr. Mallery.

The PRESIDENT. Will the Senator from Blair permit himself to be interrogated?

Mr. MALLERY. I will, Mr. President.

Mr. CAVALCANTE. Mr. President, the gentleman criticized this side of the House this afternoon, saying we did not do things in a statesman-like manner.

Mr. MALLERY. Mr. President, I was just commending a member on the other side.

Mr. CAVALCANTE. Mr. President, I would like the Senator from Blair to tell us whether he considers his vote and the action on the other side of the Senate in putting the amendments in this bill we just struck out statesman like conduct on their part last night.

Mr. MALLERY. Mr. President, I would like to say I was commending the Senator in my remarks and not condemning him.

## QUESTION OF PERSONAL PRIVILEGE

Mr. EALY. Mr. President, I rise on a question of personal privilage.

The PRESIDENT. The Senator from Somerset will state his question of personal privilege.

Mr. EALY. Mr. President, I intended to make a statement in regard to this bill before it was called up for final passage but now I think I should make a statement at this time.

Of course, Mr. President, I have no personal interest in the subject matter of this bill. However, 1 am in a situation which leads me to think I should not vote one way or another on the bill, and perhaps should take no part also in the amendments.

Mr. PRESIDENT. My partner in our joint law firm is counsel for the Turnpike Commission in Somerset County. The business is conducted not as a matter of the joint partnership, but as private business.

On the other hand, Mr. President, I represent a couple of clients and have represented them for many years, clients who own coal under the rights-of-way in Somerset County. Our negotiations with the Turnpike Commission up to this time have been very harmonious and I trust that adjustments will be made without any litigation, but with those two situations confronting me, I shall ask to be relieved from voting on this bill or any of its proposed amendments.

The PRESIDENT. The remarks of the Senator from Somerset will be noted in the Journal.

Mr. COLEMAN. Mr. President, I desire to interrogate the Senator from Montgomery.

The PRESIDENT. Will the Senator from Montgomery permit himself to be interrogated?

Mr. EDMONDS. Gladly, Mr. President.

Mr. COLEMAN. Mr. President, I desire to make a brief statement and then ask the gentleman from Montgomery a question. This new bill seeks to amend the existing act of 1937 which created the commission, and on page 3 of this particular bill the word "commission" is defined as "shall mean the Pennsylvania Turnpike Commission heretofore created by the act approved the twenty-first day of May 1937, pamphlet law 774, or if said commission shall be abolished, any board, commission or officer succeeding to the principal functions thereof or upon whom the powers and functions given by them shall be given by law."

That, Mr. President, together with the fact that the last section of the bill contains a general repealer and the

gentleman's amendment puts the Governor into the picture, leads me to the inescapable conclusion there is a joker in the bill.

I would like to ask the gentleman from Montgomery whether or not under this particular bill the present Turnpike Commission is ripped out of office?

Mr. EDMONDS. Mr. President, it is not ripped out of office; the Turnpike Commission continues exactly as is.

What the Senator from Lackawanna is referring to is the provision in the original turnpike bill. When they have paid off all the bonds and debts and charges then the property reverts to the state but, of course, that is not going to happen in the lifetime of any of us, unless it is possibly the Senator from Lackawanna. Counsel for the commission approved of that, as a matter of fact.

Mr. CAVALCANTE. Mr. President, I am going to be here when this is all over.

Mr. EDMONDS. Mr. President, I will express the hope the Senator is.

Mr. SHAPIRO. Mr. President, I have refrained from rising on this question. I do not care whether the commission is ripped out or not. This bill contains a repealer and I have always said if the intent of the administration was merely to extend the line of the road I could see no reason why the original bill was not merely amended by adding the extended line.

Mr. President, the repealer in this bill places this bill in place of the other bill, and as far as the two bills are inconsistent this bill governs. If that is so the provision you now make, that the Governor shall have the right to do certain things, may as well apply to the turnpike which now exists.

That is one of the reasons, Mr. President, why I say when you sit down to prepare amendments there ought to be an exchange of view, not on one side but on both sides.

I am going to oppose these amendments, Mr. President. I am forced to because what you are doing now, as I followed it as well as I could under these hasty circumstances and unfavorable conditions, is to place the Turnpike Commission in control of the Governor.

Mr. OWLETT. No, Mr. President, you are not doing that at all.

Mr. SHAPIRO. Mr. President, I do not want to argue with the gentleman from Tioga across the floor.

Mr. EDMONDS. Mr. President, I should suggest that the Senator from Philadelphia see the printed bill tomorrow, after the amendments are printed.

Mr. SHAPIRO. Mr. President, I should like to see certain things done with the approval of the Turnpike Commission and not the Governor. If those things are important enough to be controlled by the Governor those things may be important enough to effect the final determination—what happens if the Governor does not agree as to certain things with the Turnpike Commission. You can say no all you want, but that follows logically.

Mr. EDMONDS. Mr. President, that is limited however, to a survey of the route.

Mr. SHAPIRO. Mr. President, assuming it is limited to a survey of the route, it places the Governor in a position where he can disagree with the Turnpike Commission and say no, I do not want the road placed here, I want it placed somewhere else; and I doubt very much whether you have the right to give the Governor that much authority; I do not think you want to give him that much authority even if he is on your side.

The gentlemen on the other side, Mr. President, continuously talked about creating autocracies or dictatorships when we on this side did it, and then they innocently or otherwise fall into the same error. You are setting up a dictatorship in the Governor's office.

Mr. President, I do not know how long this will take, I do not know whether it will be two years before they lay the lines out, and therefore there may be a new Governor, and I do not know if you want to give the new Governor the right to say where the line is to be.

Mr. President, I am meeting the gentlemen along the line suggested by the Senator from Tioga when he asked why didn't we give them co-operation, and all I say is you bring up a bill and we call attention to inconsistencies, you secure some information and then you come back and say it is a mistake now and we want to correct it but we will correct it our own way, without consulting the other side, and at the present time I am going to vote against the amendment.

Mr. EDMONDS. Mr. President, I should like to direct the attention of the Senator from Philadelphia, Mr. Shapiro, to the fact that I voted against the amendments when attention was called to the probable unconstitutionality of the amendments.

Mr. SHAPIRO. Mr. President, I beg the Senator's pardon. I made the statement when the amendments were offered before the vote, that this was going to have the effect of spoiling the bill. I made a plea in the interest of the bill, which was important, and said we could not get it done this way, and then the gentlemen on the other side did not do anything about it when it was called to their attention.

Mr. MUNDY. Mr. President, I should like to say just one more word, and that is that this discussion has created a grave suspicion in my mind on which I should not want to impugn upon this Senate. Mr. President, this bill is the closest approach to a non-partisan bill I know of. Originally this bill was sponsored by Democrats and now the terminal portion seems to be sponsored by the Republicans.

In my mind that his created a suspicion that the offering of a merely technical clause in this bill—that leads me to suspect that this bill is being treated with the gentle art of sabotage.

And the question recurring,

Will the Senate agree to the bill as amended on second reading?

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—33

| | | | |
|---|---|---|---|
| Bartlett, | Gelder, | Letzler, | Scarlett, |
| Chapman, | Geltz, | Mallery, | Snowden, |
| Crowe, | Gilson, | McGinnis, | Stevenson, |
| Deitrick, | Haluska, | Miller, | Tallman, |
| Dent, | Heyburn, | Mundy, | Thomas, |
| Edmonds, | Homsher, | Owlett, | Walker, |
| Eroe | James, | Pierson, | Wolfenden, |
| Farrell, | Kephart, | Rice, | Woodward, |
| Fulton, | | | |

NAYS—13

| | | | |
|---|---|---|---|
| Cavalcante, | Jacobs, | McCreesh, | Shapiro, |
| Coleman, | Jaspan, | Reed, | Sipe, |
| DiSilvestro, | Lanius, | Ruth, | Stiefel, |
| Frey, | | | |

So the question was determined in the affirmative.

And said bill as amended having been read at length the second time and agreed to,

On the question,

Will the Senate agree to have the bill transcribed for a third reading?

Mr. DENT. Mr. President, I offer the following amendment and ask its immediate adoption.

The Clerk read the amendment as follows:

Amend page 14, line 11, by inserting after the word "commission" and before the word "if" the following: providing all outstanding damages claims arising out of former taking of land have been satisfied to the extent of making an award

Mr. HALUSKA. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, this Senate unanimously adopted a resolution yesterday calling upon the Turnpike Commission to pay these damage claims. There is no man in this Senate that is not sympathetic with that situation and deplores it. I merely want to say I think this amendment might possibly delay the survey to be made by the Highway Department. If those damage claims are not paid by the time this Senate reconvenes amendments can be effected next year. It seems to me these amendments may have the effect of destroying the effectiveness of this bill, and I think they should be voted down.

Mr. DENT. Mr. President, I am not going to make a lengthy argument, but I will make this proposition: if in any way this amendment tends to destroy the chances of the turnpike being extended, by stopping the granting of federal funds to the Turnpike Commission to complete this extension, I myself will offer strike-out amendment tomorrow to take that out; but I think I am on sound ground and have made the amendments so that where the commission takes the land and condemns it it does not interfere with the survey, it does not interfere whatsoever with the preliminary work of the commission; what it does is to give the commission seven months to do what the Senate last night suggested should be now done.

I changed the wording of the amendments to the extent that the delay in the construction will only be held up until an award be made. Mr. President, if there is an appeal from the award it does not in any way interfere with the construction of the turnpike. I think I am on sound ground but if I am not on sound ground, tomorrow I myself will offer strike-out amendment which will not delay the action a bit. The only question is whether or not you want to see justice done.

Mr. President, I ask for a roll call.

The yeas and nays were required by Mr. DENT and were as follows, viz:

YEAS—16

| | | | |
|---|---|---|---|
| Cavalcante, | Gilson, | McCreesh, | Ruth, |
| Coleman, | Haluska, | Mundy, | Shapiro, |
| Dent, | Jaspan, | Reed, | Sipe, |
| DiSilvestro, | Lanius, | Rice, | Stiefel, |

NAYS—27

| | | | |
|---|---|---|---|
| Bartlett, | Fulton, | Letzler, | Snowden, |
| Chapman, | Gelder, | Mallery, | Stevenson, |
| Crowe, | Geltz, | McGinnis, | Tallman, |
| Deitrick, | Heyburn, | Miller, | Thomas, |
| Edmonds, | Homsher, | Owlett, | Walker, |
| Eroe, | James, | Pierson, | Wolfenden, |
| Farrell, | Kephart, | Scarlett, | |

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to have the bill transcribed for a third reading?

It was agreed to.

## SENATE BILL NO. 18, (HOUSE BILL NO. 15), CALLED UP

Mr. SHAPIRO. Mr. President, I now call up Senate Bill No. 18, (House Bill No. 15), on third reading, Page 4 of the Calendar, which went over in its order.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

## BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 8, (House Bill No. 15), as follows:

An Act to amend section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the filling of vacancies occurring in either house of the General Assembly whether or not it be in session at the time of the happening of such vacancies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 628 Special Elections for Senator and Representative in the General Assembly Whenever a vacancy shall occur in either house of the General Assembly whether or not it then be in session the presiding officer of such house shall issue within ten days after the happening of said vacancy a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth for a special election to fill said vacancy which election shall be held on a date named in the writ which shall be not less than thirty (30) days after the issuance of said writ The presiding officer may fix in such writ of election the date of the next ensuing primary municipal or general election as the date for holding any such special election Provided however That should the Governor after the issuance of the said writ of election advise the presiding officer that the General Assembly will be called into extraordinary session prior to the date set for such special election the presiding officer may countermand the writ theretofore issued and issue a new writ of election fixing therein such earlier date therefor as is deemed expedient but which shall not be less than thirty (30) days after the issuance of said writ

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. I ask unanimous consent to offer the following amendment and ask its immediate adoption.

Amend, Section 1, page 3, line 15, by adding after the word and and before the word issue the following: "shall"

On the question,

Will the Senate agree to the amendment?

Mr. SHAPIRO. Mr. President, I want to make it perfectly plain I intended no reflection upon the present Chair by the insertion of that word, but I merely did it because I think it is not good draftsmanship and should be made plain.

The PRESIDENT. The Chair suggested that the change be made in order to relieve the presiding officers of both Houses from an embarrassing situation and the Chair thinks it should be done.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

## QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Cambria, will state his question of personal privilege.

Mr. HALUSKA. Mr. President, this Senate has been in session the last two weeks and I have been trying to present a resolution to abolish the requiring of the two thousand dollar relief bond and through courtesy on my part, I might say, I have yielded to my colleague from Tioga on a number of occasions who has requested that action on this resolution be postponed.

This afternoon at one-fifteen o'clock, Mr. President, I made a final attempt and that time I was told there would be a constructive move on my resolution. Mr. President, we have had a strenuous day and I am therefore now going to ask that my resolution be brought up tomorrow as a special order of business and I herewith make such a motion.

## MOTION REQUIRING RESOLUTION ABOLISHING TWO THOUSAND DOLLAR BOND TO BE BROUGHT UP AS SPECIAL ORDER OF BUSINESS

Mr. HALUSKA. Mr. President, I move that my resolution be brought up tomorrow, Thursday, May 16, 1940.

Mr. CAVALCANTE. Mr. President, I second the motion.

Mr. OWLETT. At what time, Mr. President?

Mr. HALUSKA. At what time will the Senate convene tomorrow, Mr. President.

Mr. OWLETT. I imagine the Senate will convene at twelve o'clock standard time.

Mr. HALUSKA. Then, Mr. President, I move that the resolution be called up as a special order of business at twelve-thirty o'clock standard time.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

It was agreed to.

## QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I desire to make a statement. It will not be long.

The PRESIDENT. The Senator from Philadelphia will proceed.

Mr. SHAPIRO. Mr. President, the statement I wish to make is on the subject of confirmations on which there has been some confusion.

Mr. President, I have never worried about criticism, I expect always to be criticized, but I read this morning with amazement in the paper that I had personally some objection to one of the nominations—I think it was in the banking department—and I want to make it plain to the gentlemen on the other side, as I think I have already to the gentleman from Tioga, that the objections were made by the Democratic Caucus, and that there was no statement that the Caucus had voted not to confirm Mr. Bell.

Mr. President, what the Caucus had done was to instruct me to advise the majority leader that the Caucus in the present situation would not agree on that day, which was yesterday, to confirm Mr. Bell, and that their objection was that Mr. Bell had used the office of the banking department for political purposes for the first time—even under prior Republican days the banking department was not used for political purposes—and if he wanted to show some evidence we were wrong he could do it by furnishing the names of all persons that owed money to the banks or the banking companies, and the Caucus determined to take the matter up at a subsequent hearing, which has since been fixed for tomorrow.

Mr. President, I do not want to be misunderstood. I have nothing against Mr. Bell. I have known him many years and I personally have no objection to him. I stated in the Caucus yesterday and I say again this is a party matter. If the Caucus decides to vote for Mr. Bell I shall be very glad to vote for him; but if the Caucus decides against Mr. Bell, as a party matter I shall vote against his confirmation; but there was no personal disposition on my part not to approve Mr. Bell's appointment.

Mr. OWLETT. Mr. President, I am sorry I can not fully agree with what the Senator from Philadelphia, Mr. Shapiro, has said. The Senator from Philadelphia, told me there had been a Democratic Caucus and they had agreed on confirmation of all the nominations save the following, and he gave me a list, and I think he also gave a copy of the same list to the Senator from Somerset, Mr. Ealy.

I asked the Senator from Philadelphia if that was Caucus action and meant that the Democratic Caucus would not confirm those nominations, and the Senator from Philadelphia, told me it was Caucus action and they would not confirm those nominations which were left out; it had been Caucus action.

I did not understand, Mr. President, at that time from the Senator from Philadelphia, there was any plan to call any further Caucus and I was not told that there was.

The Senator from Philadelphia told me they had not yet consulted the Senator from Luzerne, Dr. Mundy, about Luzerne appointments, so those appointments were not included in the list.

Mr. SHAPIRO. Mr. President, the Senator from Tioga does not go far enough. I not only said that but I subsequently said there was a withholding of two appointments, which I informed the Senator from Somerset, were withdrawn; that there is another one pending upon which no caucus action was taken, where we withheld approval for the time being and they will be taken up tomorrow and we have been working on them since then.

Mr. President, there was no definite understanding we would not during this session confirm this man. Mr. President, what we said and still say is for the time being we are not willing to have the name brought out with the understanding we would vote for him. The matter has been handled the same way before. We have had objections concerning certain nominations and have withheld approval for the time being and subsequently changed our opinion.

As a matter of fact, Mr. President, there are other nominations pending on which approval has been withheld, but there will be a conference held and at that time the Caucus may decide to withdraw its objections, the same as in the case of Mr. Bell.

Mr. EALY. Mr. President, I have made no statement regarding this situation but the Senator from Philadelphia when I inquired as to the disposition of Mr. Bell's nomination, announced to me the Caucus had not as yet approved the nomination of Mr. Bell.

## ADJOURNMENT

Mr. OWLETT. Mr. President, I move that the Senate do now adjourn until Thursday, May 16, 1940 at 12:00 o'clock, noon, E. S. T.

Mr. TALLMAN. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 7:10 o'clock p. m., E. S. T. until Thursday, May 16, 1940, at 12:00 o'clock, noon, E. S. T.

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal.

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## SENATE

THURSDAY, May 16, 1940

The Senate met at 12:00 o'clock noon, E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

### PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

God of our fathers, whose almighty hand delivered us from the perils along our national pathway up to the present time, we most fervently pray unto Thee to continue Thy providential care over us today.

With the din of war constantly growing louder and the menace even to our safety ever increasing, we lift up our hearts to Thee for guidance while we set our hands more diligently to the problem of National Defense, our sacred duty. Lest the unholy ravages against civilization made by the madman of Europe reach even to our shores and jeopardize the security of our hearth-stones, let us while yet it is day, prepare for the time when night may come.

Lead the Congress of our beloved republic today as it shall receive the recommendations of the President on preparedness. Vouchsafe through their conclusions the best possible means of preparedness.

In this closing session of this special convention of the General Assembly may we all be satisfied that the helpfulness so greatly needed by our fellow citizens has been given and that we may all pray that the Peace of God which passeth understanding may keep our hearts and minds through Christ Jesus until "we meet again." For His Name's sake we pray. Amen.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. OWLETT and Mr. GELDER, the further reading was dispensed with, and the Journal was approved.

### NOMINATIONS BY THE GOVERNOR

#### NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public which were laid on the table.

### REPORT FROM COMMITTEE

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I am about to report from the Committee on Executive Nominations certain nominations made by the Governor for various appointments as listed in the white book. As I understand it there is no controversy about these appointments, but I wish the Senators would follow me with the book as we read them over, so if there is any Senator who has any objection to any nominee he may voice his objection at this time.

The committee is withholding, for the present, the nominations for Secretary of Banking and Commissioner of the Pennsylvania Motor Police.

The Superintendent of Public Instruction has been confirmed, and so also has the Public Utilities Commission member.

The committee reports with a favorable recommendation all the members of the Advisory Health Board.

The committee reports with a favorable recommendation all the members of the Board of Trustees of the Allentown State Hospital.

The committee reports with a favorable recommendation all the members of the Board of Arbitration of Claims.

The committee reports with a favorable recommendation all the members of the State Board of Examiners of Architects.

The committee reports with a favorable recommendation a member of the State Art Commission.

I will submit to an interruption, Mr. President, if any of the Senators have any names which they wish to object to as I go along.

The committee favorably reports all the names of the Board of Trustees of the Ashland State Hospital.

The committee reports favorably all the names of the Banking Board.

The committee reports favorably all the members of the Board of Trustees of the Blossburg State Hospital.

The committee reports favorably all the members of the Building and Loan Board.

The committee reports favorably a member of the Pennsylvania State Board of Censors.

The committee reports favorably a member of the Board of Trustees of Cheyney Training School for Teachers.

The committee reports favorably all the members of the Board of Trustees of Coaldale State Hospital.

The committee reports favorably all the members of the Commission to Examine and Report upon the economic,

cultural, health and living conditions of the urban colored population of the State.

The committee reports favorably all the members of the Board of Trustees of Connellsville State Hospital.

The committee reports favorably all the members of the Board of Trustees of Danville State Hospital.

The committee reports favorably all members of the Navigation Commission for the Delaware River and its Navigable Tributaries.

All members of the Delaware River Joint Commission are withheld for the present; none of them are reported out.

The nomination of a member of the Delaware River Joint Toll Bridge Commission is reported favorably.

The committee reports with favorable recommendation the nominations of all members of the State Dental Council and Examining Board.

The committee reports with favorable recommendation the nominations of members of the Board of Trustees of East Stroudsburg State Teachers College.

The nominations of all the members of the Board of Trustees at Eastern State Penitentiary are withheld for the present.

The committee reports with favorable recommendation the nominations of all the members of the Board of Trustees at Edinboro State Teachers College.

The committee reports with favorable recommendation the nominations of all members of the State Council of Educatioon.

The committee reports with favorable recommendation the nominations of all members of the State Registration Board for Professional Engineers.

The committee reports with favorable recommendation the nominations of all members of the Pennsylvania State Park and Harbor Commission of Erie.

The committee reports with favorable recommendation the nominations of all the members of the State Farm Products Show Commission.

There is one name in the next board which is withheld, the committee is reporting favorably, therefore, the nominations of all members of the Board of Trustees of Farview State Hospital except that of Walter Bartholomay, Carbonsdale, which is withheld for the present.

Mr. COLEMAN. Mr. President, I desire to interrogate the Senator from Somerset, Mr. Ealy.

The PRESIDENT. Will the Senator from Somerset, Mr. Ealy, permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. COLEMAN. Mr. President, among the appointees to the Board of Trustees at Farview State Hospital I notice there is not included in the list the name of Mr. Owens as taking the place of Mr. Peterson, resigned.

Mr. EALY. Mr. President, I have the nomination of Willard Owens, of Stroudsburg, and I am told it has been acted on favorably. It will be reported out later today.

Mr. COLEMAN. Mr. President, we want him included.

Mr. EALY. Mr. President, he will be favorably reported later in the day, if that will be satisfactory.

The committee reports favorably the nominations of a member of the Pennsylvania Game Commission.

The committee reports with favorable recommendation the nominations of all the members of the Board of Trustees of the Harrisburg State Hospital.

The committee reports favorably the nominations of all members of the Board of Trustees of the Hazleton State Hospital.

The committee reports favorably the nominations of all members of the Pennsylvania Historical Commission.

The committee reports favorably the nomination of a member of the Board of Trustees of Indiana State Teachers College, as given in the book. I believe there is another nomination to that board, which will be reported later in the day.

The first name on the list of members of the Pennsylvania Labor Relations Board, that of Harry Gifford, is withheld for the present.

Mr. SHAPIRO. Mr. President, the objection to the appointment of Mr. Gifford has been withdrawn; and I should tell you now that the objection to the appointment of the Secretary of Banking has been withdrawn.

Mr. EALY. Mr. President, I am glad to hear it, but I will have to report Mr. Gifford's nomination later, as I do not have the papers approving the nomination.

At this time the committee reports with a favorable recommendation the nomination of William L. Dickel of Upper Darby, as a member of the Pennsylvania Labor Relations Board.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Laurelton State Village.

The committee reports with favorable recommendation the nomination of a member of the Board of Trustees of Mansfield State Teachers College.

The committee reports with favorable recommendation the nominations of all members of the State Board of Medical Education and Licensure.

The name of John M. McKee nominated as a member of the Milk Control Commission, is withheld for the present.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Nanticoke State Hospital.

The two names recommended for Major General of the Pennsylvania National Guard are favorably reported.

Of the nominations of the Board of Trustees of Norristown State Hospital one name is withheld, the committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Norristown State Hospital with the exception of that of Mrs. Kathryn A. Gottshalk of Perkiomenville which is withheld for the present.

The committee reports with favorable recommendation the nominations of all members of the State Board of Examiners for the Registration of Nurses.

The committee reports with favorable recommendation the nominations of all members of the State Board of Osteopathic Examiners.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Pennhurst State School.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Pennsylvania Industrial School.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Pennsylvania Training School.

The committee reports with favorable recommendation the one nomination of a member of the State Board of Pharmacy.

For the present there is withheld the nominations of members of the Registration Commission in and for the City of Philadelphia.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Somerset.

The PRESIDENT. Will the Senator from Somerset permit himself to be interrogated?

Mr. EALY. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the Senator from Somerset inform me why the committee is withholding all the nominations to the Registration Commission of Philadelphia?

Mr. EALY. Mr. President, is there no objection to any of those names?

Mr. SHAPIRO. Mr. President, there is objection to only one, and that is the nomination of Charles Amodei. There is no objection to any of the rest.

Mr. EALY. Well, Mr. President, the names are all withheld for the present.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Phillipsburg State Hospital.

The committee reports with favorable recommendation the nomination of one member of the Registration Commission in and for the City of Pittsburgh.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Polk State School.

The committee reports with favorable recommendation the nominations of the members of the State Board for Examination of Public Accountants.

The committee reports with favorable recommendation the nominations of the members of the State Board of Public Assistance.

The committee reports with favorable recommendation the nomination of the member of the State Employes' Retirement Board.

The committee reports with favorable recommendation the nominations of all the members of the Sanitary Water Board.

There is withheld the entire list of names of members of the Registration Commission in and for the City of Scranton.

The committee reports with favorable recommendation the nominations of members of the Board of Trustees of Scranton State Hospital.

The committee reports with favorable recommendation the nominations of the members of the Pennsylvania Securities Commission.

One name is withheld from the list of members of the Board of Trustees of Selinsgrove State Colony for Epileptics; so that the committee favorably recommends the nominations of all members of that board except that of Edward A. Phillips, of Milton, which is withheld for the present.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Pennsylvania Soldiers' and Sailors' home.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of the Pennsylvania State College.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Torrance State Hospital.

The committee reports with favorable recommendation the nominations of all members of the State Boaard of Undertakers.

The committee reports with favorable recommendation the nominations of all members of the Unemployment Compensation Board of Review.

One name is withheld in the next list.

Mr. SHAPIRO. Mr. President, I should like to inform the Senator from Somerset that the only objection on this next list, on this side of the house, to nominations for Unemployment Compensation Referee is to the nomination of Michael J. Stack.

Mr. EALY. As a referee, Mr. President?

Mr. SHAPIRO. Yes, Mr. President, as a referee.

Mr. EALY. Mr. President, that is the name we have withheld for the present; so that the committee reports with favorable recommendation the nominations of all Unemployment Compensation Referees with the exception of Michael J. Stack, Philadelphia.

The committee is reporting with favorable recommendation the nominations of all members of Board of Commissioners on Uniform State Laws.

The committee is reporting with favorable recommendation the nominations of all members of the Valley Forge Park Commissioon.

The committee is reporting with favorable recommendation the nominations of all members of the State Veterans' Commission with the exception of that of John U. Shroyer, of Shamokin, which is withheld for the present.

The committee reports with favorable recommendation the nominations of all members of the State Board of Veterinary Medical Examiners.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Warren State Hospital.

The committee reports with favorable recommendation the nominations of all members of the Washington Crossing Park Commission.

The committee reports with favorable recommendation the nominations of the member of the Water and Power Resources Board.

The committee reports with favorable recommendation the nominations of all members of the State Welfare Commission.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of Wernersville State Hospital.

The committee reports with favorable recommendation the nominations of all members of the Board of Trustees of West Chester State Teachers College.

The committee reports with favorable recommendation the nominations of all members of the Workmen's Compensation Board.

There are three names on the next list which are withheld; so that the committee is reporting with favorable recommendation the nominations of all the Workmen's Compensation Referees with the exception of the following:

John Alessandroni, of Philadelphia—

Mr. DiSILVESTRO. Mr. President, I understand that the nomination of Mr. Alessandroni has been acted on favorably by our Caucus.

Mr. SHAPIRO. Mr. President, the objection to Mr. Alessandroni has been withdrawn. The objection to Mr. Emil C. Schwing has been withdrawn.

Mr. EALY. Mr. President, those nominations are crossed out in my book. I expect to report them with a favorable recommendation later. For the present the nominations of John Alessandroni, of Philadelphia; Emil C. Schwing, of Johnstown; and Gladstone A. Carmalt, of Brookville, are withheld.

The committee reports with favorable recommendation the nomination of a member of the State World's Fair Commissioon.

Of the members of the County Board of Assistance the nominations of all the members for Adams County are reported with favorable recommendatioon.

Of the members of the County Board of Assistance the nominations of all the members for Allegheny are reported with favorable recommendation, with the exception of Russell A. Schell, of Pittsburgh, who has resigned.

Of the members of the County Board of Assistance the nominations of all the members for Beaver County are reported with favorable recommendation.

The nominations of all the members of the County Board of Assistance for Bedford County are withheld for the present.

The committee reports with favorable recommendation the nominations of all members of the County Board of Assistance for Berks County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Blair County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Bradford County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Bucks County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Butler County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Cambria County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Cameron County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Carbon County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Centre County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Chester County.

The committee reports with favorable recommendation the nominations of all the members of the County Board ol Assistance for Clarion County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Clearfield County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Clinton County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Columbia County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Crawford County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Cumberland County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Dauphin County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Delaware County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Elk County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Erie County.

The names of all members of the County Board of Assistance for Fayette County are withheld for the present.

There is reported with favorable recommendation the nomination of C. A. Weaver of Tionesta as a member of the County Board of Assistance for Forest County, but the name of the other nominee, Miss Marcia B. Smith, of Endeavor, is withdrawn, as the lady has resigned.

The committee reports with favorable recommendation the nominations for members of the County Board of Assistance for Franklin County.

The committee reports with favorable recommendation the nominations for members of the County Board of Assistance for Fulton County.

The committee reports with favorable recommendation the nominations for members of the County Board of Assistance for Greene County.

The first name on the list for Indiana County, Arthur J. Pfhol, of Indiana, is withdrawn, as Mr. Pfhol has resigned; so that the committee reports with favorable recommendation the nominations of the other two proposed, that of Edward M. Thompson, of Home, and that of W. P. Frech, of Home, Indiana County.

The name of O. H. Johnston, of Reynoldsville, Jefferson County, is reported with favorable recommendation, as a member of the County Board of Assistance for Jefferson County.

The committee reports with favorable recommendation the nominations for members of the County Board of Assistance for Juniata County.

The committee reports with favorable recommendation the nominations for members of the County Board of Assistance for Lackawanna County.

The committee reports with favorable recommendation the nominations for members of the County Board of Assistance for Lancaster County.

Mr. President, there is withheld all the names from Lawrence County.

The committee reports with favorable recommendation the nominations for members of the County Board of Assistance for Lebanon County.

The committee reports with favorable recommendation the nominations for members of the County Board of Assistance for Lehigh County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Lycoming County.

The committee reports with favorable recommendation the nominations of all members of the County Board of Assistance for McKean County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Mercer County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Mifflin County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Monroe County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Montgomery County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Montour County.

The committee reports with favorable recommendation the nominations of all the members of the County Board of Assistance for Northampton County.

All the names for Northumberland County, Mr. President, are withheld for the present.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Perry County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Philadelphia County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Pike County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Potter County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Schuylkill County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Snyder County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Somerset County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Sullivan County.

The committee reports with favorable recommendations the nominations for the members of the County Board of Assistance for Susquehanna County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Tioga County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Union County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Venango County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Warren County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Washington County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Wayne County.

The committee reports with favorable recommendation the nomination for the one member of the County Board of Assistance for Westmoreland County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for Wyoming County.

The committee reports with favorable recommendation the nominations for the members of the County Board of Assistance for York County.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Somerset.

The PRESIDENT. Will the Senator from Somerset permit himself to be interrogated?

Mr. EALY. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I assume it is true that all of the objections to names which has not been reported favorably, and which have been withheld, do not come from this side of the house.

Mr. EALY. Not all of them, Mr. President.

Mr. SHAPIRO. Mr. President, I also want to know whether it is clear to the gentleman from Somerset that the Democratic Caucus, as it now has agreed, offers no objection to the confirmation of any persons other than nomination for the Commissioner of the Pennsylvania Motor Police, Mr. Stack, of the Workmen's Compensation Board, members of the Delaware River Joint Commission, the member of the Milk Control Commission, the member, Charles Amodei, of the Philadelphia Registration Committee, and I think I have already stated the members of the Registration Committee of Scranton; if I did not I want to say that.

Mr. EALY. Mr. President, did the Senator mention the name of Walter Bartholomay, of Carbondale?

Mr. SHAPIRO. I did not, Mr. President; there is no objection so far as we are concerned to that nomination. That objection I do not think comes from this side.

The members of the Board of Assistance of Fayette County. That is all.

Mr. EALY. Mr. President. I believe that is correct.

Mr. SHAPIRO. Mr. President, and the trustees of the Eastern State Penitentiary.

## CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as notaries public, sent to the Senate, May 15 and 16, 1940, by His Excellency, the Governor of the Commonwealth together with nominations just reported favorably from committee.

Mr. SCARLETT. Mr. President, I second the motion.

The motion was agreed to.

The Clerk started to read the nominations for notaries public.

Mr. SHAPIRO. Mr. President, I suggest that at this time the nominations be voted on as a whole.

The PRESIDENT. These are notaries public.

Mr. SHAPIRO. I know, Mr. President; my suggestion applies to the notaries public and other recommendations from the Committee on Executive Nominations.

The PRESIDENT. If there is no objection.

It is unanimously agreed that the notaries public whose names have been taken from the table and the names of all nominees reported favorably by the Senator from Somerset, be considered as a whole.

Mr. MUNDY. Mr. President, upon the nominations as submitted, and the objections as filed by the Democratic members of the Senate, I wish to make a statement.

The PRESIDENT. The Senator from Luzerne, Mr. Mundy, will proceed.

Mr. MUNDY. Mr. President, unfortunately the other day the statement was made in the newspapers that the

minority leader of the Senate had seen fit to make a personal objection to Mr. Bell, of Philadelphia. I feel it is due to Senator Shapiro that a correction be made on this matter. There was action taken in the Democratic Caucus, and the idea of that action, or the spirit of that action, was to withhold confirmation of Mr. Bell until such time as Mr. Bell, as head of the closed banks, not only published the name of one gentleman who owed the banks money, but published the names of the extensive list of those who owed the banks money, but at a later meeting of the Caucus we decided that was imposing an almost impossible duty upon the Secretary of Banking; and realizing that, the Caucus decided to return to the Senate body today, as a whole, full confirmation of Mr. Bell.

Mr. EALY. Mr. President, the Senator understands that Mr. Bell's name will be brought up later today.

Mr. MUNDY. Yes, Mr. President. I just wanted to make this statement.

Mr. COLEMAN. Mr. President, I desire to interrogate the Senator from Somerset.

The PRESIDENT. Will the Senator from Somerset permit himself to be interrogated?

Mr. EALY. I will, Mr. President.

Mr. COLEMAN. Mr. President, I desire to ask the Senator whether in the case of a particular board where there is some specific objection to one individual, whether or not in the event the board is confirmed, that is considered a rejection of that particular individual.

Mr. EALY. Mr. President, I do not understand. The name has not been reported out with a favorable recommendation, and is therefore in the hands of the committee.

Mr. COLEMAN. Mr. President, I desire to ask the gentleman in the event a name is brought out and specifically rejected by the Senate, whether or not the Governor will have the power to appoint that nominee after the session adjourns.

Mr. EALY. Mr. President, as I understand, the Supreme Court has said that in all cases, except in the case of the Public Utility Commission, the Governor may reappoint even though a name is rejected. Personally, I do not think that is a very good decision, but nevertheless it is so.

Mr. COLEMAN. It is true then, Mr. President, even though the Constitution specifically says—and some of the legislation enacted by the legislature—that the nominees shall be appointed by and with the advised consent of the Senate, that confirmation is not absolutely necessary?

Mr. EALY. Mr. President, a number of years ago, before my time, I understand the Supreme Court so decided. There was power taken away from the Senate, which I think was wrong. I agree with the Senator from Lackawanna, if that is what he implies—that the Senate ought to have the voice and authority of agreeing to or refusing nominations. Do I make myself clear?

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment at Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Lillian Bernstein, Pittsburgh, House Building, 4 Smithfield Street.
Miss E. G. Burgdorf, Pittsburgh, McKay Building, 1005 Liberty Avenue.
Mrs. Emma M. Duncan, Sewickley.

CAMBRIA COUNTY

J. W. Buckwalter, Portage.

DELAWARE COUNTY

Charles F. Hoopes, Upper Darby Twp., 800 Baltimore Ave., Fernwood, Lansdowne.

ERIE COUNTY

Harrison J. Rogers, Albion.

LACKAWANNA COUNTY

Charles J. Rader, Scranton.

LUZERNE COUNTY

Mrs. Thomasina T. Casterline, Wyoming.

PHILADELPHIA COUNTY

Leonard M. Cohen, Phila., 200 South 71st St.
Thomas P. Connor, Phila., 165 W. Ruscomb St.,
Edward J. Miskiel, Phila., 1531 Orthodox St.
J. Noble Neeld, Phila., 7207 Ogontz Ave.

YORK COUNTY

George H. Qickel, Windsor Twp., R. D. 2, Red Lion.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 15, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ADAMS COUNTY

Miss Mary S. Black, Gettysburg.

ALLEGHENY COUNTY

Eugene A. Reilly, Homestead.

CLEARFIELD COUNTY

J. Howard Smith, Houtzdale.

PHILADELPHIA COUNTY

John J. McCreesh, Jr., Phila., 4200 Walnut Street.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

John Colgate Coll, Pittsburgh, 6004 Center Ave.
Wilbert Male, Jr., Pittsburgh, 6301 Butler St.
Miss Marguerite R. America, Pittsburgh, Roosevelt Hotel.

PHILADELPHIA COUNTY

Arthur A. Schulze, Phila., 3144 Passyunk Ave.

W. Stanley Tustin, Jr., Phila., 2440 Memphis Street.
Harrison G. Schweig, Phila., 2825 N. Broad Street.
Charles M. Wolfson, Phila., 2546 North 33d Street.

ARTHUR H. JAMES.

Governor's Office, Harrisburg, May 16, 1940.
Commonwealth of Pennsylvania,

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation.

ALLEGHENY COUNTY

Joseph A. Fiorucci, Pittsburgh, 3431 Butler Street.
Mrs. Helen Hudak, Pittsburgh, 1439 Woods Run Avenue, N. S.
Howard R. Pearson, O'Hara Twp., Blawnox.
Carl L. Poznanski, Stowe Twp., 817 Woodward Ave., McKees Rocks.

BLAIR COUNTY

Arthur F. Hirt, Altoona.

ERIE COUNTY

Miss Mildred E. Wesley, Erie.

INDIANA COUNTY

Mrs. Minnie S. Kissinger, Indiana.

ARTHUR H. JAMES.

Mr. EALY, from the Committee on Executive Nominations of the Senate herewith reports with a favorable recommendation the various names on the attached list who were nominated by the Governor of the Commonwealth for the various positions as shown on said list and for the terms therein stated.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, Pa., May 6, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

MEMBERS OF THE ADVISORY HEALTH BOARD

George Morris Piersol, Philadelphia, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

David Thomas, Lock Haven, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

William Gray Turnbull, Philadelphia, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Donald Guthrie, Sayre, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Archbald Nance, Pittsburgh, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Ivor Griffith, Philadelphia, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

Wm. A. Pearson, Narberth, from July 25, 1939, for the term of four years and until his successor is qualified.

Walter W. Seibert, Easton, from July 25, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Marion Etter, Bethlehem, from July 25, 1939, for the term of four years and until her successor is qualified.

Kenneth Weston, Allentown, from July 25, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Marian K. Steckel, Allentown, from July 25, 1939, for the term of four years and until her successor is qualified.

Louis P. Neuweiler, Allentown, from July 25, 1939, for the term of four years and until his successor is qualified.

Victor Schmidt, Allentown, from July 25, 1939, for the term of four years and until his successor is qualified.

John C. Shumberger, Sr., Allentown, from July 25, 1939, for the term of four years and until his successor is qualified.

J. Edward Durham, Jr., Allentown, from July 25, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF ARBITRATION OF CLAIMS

Lorrie R. Holcomb, Chairman, Wilkes-Barre, from April 9, 1940, until July 21, 1943, and until his successor shall be duly appointed and qualified.

Norman S. Sprague, Pittsburgh, from April 9, 1940, until July 21, 1945, and until his successor shall be duly appointed and qualified.

Paul L. Brogan, Glenolden, from April 9, 1940, until July July 21, 1941, and until his successor shall be appointed and qualified.

MEMBERS OF THE STATE BOARD OF EXAMINERS OF ARCHITECTS

Charles T. Ingham, Pittsburgh, from February 19, 1940, for the term of six years and until his successor is appointed and qualified.

Edmund R. Purves, Media, from February 19, 1940, for the term of six years and until his successor is appointed and qualified.

Frederick A. Muhlenberg, Reading, from February 19, 1940, for the term of six years and until his successor is appointed and qualified.

Clement S. Kirby, Erie, from February 19, 1940, for the term of six years and until his successor is appointed and qualified.

M. Edwin Green, Lemoyne, from February 19, 1940, for the term of six years and until his successor is appointed and qualified.

MEMBER OF THE STATE ART COMMISSION

Warren Powers Laird, Philadelphia, from September 7, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF ASHLAND STATE HOSPITAL

Elmer McSurdy, Buck Run, from December 28, 1939, for the term of four years and until his successor is qualified.

Charles Rice, Gordon, from December 28, 1939, for the term of four years and until his successor is qualified.

Andrew Wolfgang, Lavelle, from December 28, 1939, for the term of four years and until his successor is qualified.

J. L. Hoffman, Ashland, from December 28, 1939, for the term of four years and until his successor is qualified.

Ray Delbridge, Girardville, from December 28, 1939, for the term of four years and until his successor is qualified.

Bert E. Stitzer, Aristes, from December 28, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Emilie P. Aston, Centralia, from December 28, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE BANKING BOARD

C. S. Newhall, Philadelphia, from February 15, 1940, until September 1, 1945, and until his successor is duly appointed and qualified.

George R. Howell, Reading, from February 15, 1940, until September 1, 1947, and until his successor is duly appointed and qualified.

Douglas R. Faith, Chester, from February 15, 1940, until September 1, 1945, and until his successor is duly appointed and qualified.

Ira W. Barnes, Philadelphia, from February 15, 1940, until September 1, 1947, and until his successor is duly appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF BLOSSBURG STATE HOSPITAL

Benjamin Rogers, Westfield, from October 31, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Cora Tucker, Knoxville, from October 31, 1939, for the term of four years and until her successor is qualified.

Elmer G. Carson, Wellsboro, from October 31, 1939, for the term of four years and until his successor is qualified.

Milton Barden, Mansfield, from October 31, 1939, for the term of four years and until his successor is qualified.

Robert S. Irving, Ogdensburg, from October 31, 1939, for the term of four years and until his successor is qualified.

John H. Turner, Wellsboro, from October 31, 1939, for the term of four years and until his successor is qualified.

John Gray, Arnot, from October 31, 1939, for the term of four years and until his successor is qualified.

John Isben, Blossburg, from October 31, 1939, for the term of four years and until his successor is qualified.

William F. White, Wellsboro, from January 29, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BUILDING AND LOAN BOARD

Joshua W. Swartz, Harrisburg, from February 15, 1940, until September 1, 1947, and until his successor is duly appointed and qualified.

S. L. Caum, Bethlehem, from February 15, 1940, until September 1, 1941, and until his successor is duly appointed and qualified.

William E. Best, Pittsburgh, from February 15, 1940, until September 1, 1943, and until his successor is duly appointed and qualified.

Joseph K. Coxe, Philadelphia, from February 15, 1940, until September 1, 1941, and until his successor is duly appointed and qualified.

George L. Transue, Easton, from February 15, 1940, until September 1, 1943, and until his successor is duly appointed and qualified.

Norman E. Clark, New Castle, from February 15, 1940, until September 1, 1945, and until his successor is duly appointed and qualified.

Pearce M. Gabell, Philadelphia, from February 15, 1940, until September 1, 1945, and until his successor is duly appointed and qualified.

Frank W. Harris, Jr., Secane, from March 21, 1940, until September 1, 1947, and until his successor is duly appointed and qualified.

MEMBER OF THE PENNSYLVANIA STATE BOARD OF CENSORS

(Mrs.) Lucy H. Love, Johnstown, from December 27, 1939, until the third Tuesday of January 1943, and until her successor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF CHEYNEY TRAINING SCHOOL FOR TEACHERS

C. Mulbourne Smith, Sharon Hill, from January 24, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF COALDALE STATE HOSPITAL

Thomas D. Lewis, Lansford, from September 25, 1939, for the term of four years and until his successor is qualified.

William J. Hatrick, Mauch Chunk, from September 25, 1939, for the term of four years and until his successor is qualified.

Robert Gormley, Summit Hill, from September 25, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Mary K. Young, Lansford, from September 25, 1939, for the term of four years and until her successor is qualified.

John Harris, Tamaqua, from September 25, 1939, for the term of four years and until his successor is qualified.

John West, Tamaqua, from September 25, 1939, for the term of four years and until his successor is qualified.

William Clements, Coaldale, from September 25, 1939, for the term of four years and until his successor is qualified.

Arthur Snyder, Tamaqua, from September 25, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Maud Boltz, Pottsville, from September 25, 1939, for the term of four years and until her successor is qualified.

MEMBERS OF THE COMMISSION TO EXAMINE AND REPORT UPON THE ECONOMIC CULTURAL, HEALTH AND LIVING CONDITIONS OF THE URBAN COLORED POPULATION OF THE STATE

Richard P. Brown, Philadelphia, from January 22, 1940, until annulled.

R. Maurice Moss, Pittsburgh, from January 22, 1940, until annulled.

(Mrs.) S. Willie Layten, Philadelphia, from January 22, 1940, until annulled.

MEMBERS OF THE BOARD OF TRUSTEES OF CONNELLSVILLE STATE HOSPITAL

Meyer, Aaron, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified

Harry G. Brown, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

William J. Davidson, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

Philip Galiardi, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

Daniel Durie, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

James J. Driscoll, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

Harry Geibel, Connellsville, from October 5, 1939, for the term of four years and until his successor is qualified.

W. J. B. Mayo, Melcroft, from October 5, 1939, for the term of four years and until his successor is qualified.

Fenton O. Keister, Scottdale, from October 5, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL

Robert Grone, Danville, from January 23, 1940, for the term of four years and until his successor is qualified.

David J. Reese, Danville, from January 23, 1940, for the term of four years and until his successor is qualified.

Elmer E. Beers, Bloomsburg, from January 23, 1940, for the term of four years and until his successor is qualified.

Frank Strite, Williamsport, from January 23, 1940, for the term of four years and until his successor is qualified.

I. M. Witt, Montoursville, from January 23, 1940, for the term of four years and until his successor is qualified.

George Scott, Mt. Carmel, from January 23, 1940, for the term of four years and until his successor is qualified.

Frank M. Haas, Sunbury, from January 23, 1940, for the term of four years and until his successor is qualified.

Edward F. Price, Danville, from January 29, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS NAVIGABLE TRIBUTARIES

A. R. Granger, Upland, from September 14, 1939, for the term of four years, and until his successor is appointed and qualified.

Paul Carey, Chester, from September 14, 1939, for the term of four years, and until his successor is appointed and qualified.

John S. Roberts, Jr., Bristol, from September 14, 1939, for the term of four years and until his successor is appointed and qualified.

MEMBER OF THE DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

Alexander R. Miller, Easton, from October 23, 1939, until annulled.

MEMBERS OF THE STATE DENTAL COUNCIL AND EXAMINING BOARD

W. A. McCready, Pittsburgh, from August 30, 1939, for the term of six years and until his successor is appointed and qualified.

A. M. Stinson, Stewartstown, from August 30, 1939, for the term of six years and until his successor is appointed and qualified.

Andrew J. Heffernan, Wilkes-Barre, from August 30, 1939, for the term of six years and until his successor is appointed and qualified.

R. E. Black, Huntingdon, from August 30, 1939, for the term of six years and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS COLLEGE

Gordon E. Ulshafer, Nesquehoning, from June 13, 1939, for the term of four years and until his successor is qualified.

Arthur W. Pennington, Pen Argyl, from June 13, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Gladys Arnold, Stroudsburg, from June 13, 1939, for the term of four years and until her successor is qualified.

Martin Stiles Baldwin, Stroudsburg, from June 13, 1939, for the term of four years and until his successor is qualified.

Russell C. Hughes, East Stroudsburg, from June 13, 1939, for the term of four years and until his successor is qualified.

Russell E. Jones, Stroudsburg, from June 13, 1939, for the term of four years and until his successor is qualified.

Joseph P. Flanagan, Wilkes-Barre, from June 13, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF EDINBORO STATE TEACHERS COLLEGE

Frank L. LaBounty, Edinboro, from September 5, 1939, for the term of four years and until his successor is qualified.

Joseph J. Desmond, Corry, from September 5, 1939, for the term of four years and until his successor is qualified.

N. A. Carlson, Erie, from September 5, 1939, for the term of four years and until his successor is qualified.

Hugh C. Lord, Erie, from September 5, 1939, for the term of four years and until his successor is qualified.

William P. Rose, Cambridge Springs, from September 5, 1939, for the term of four years and until his successor is qualified.

Clyde S. Knapp, Warren, from September 5, 1939, for the term of four years and until his successor is qualified.

John K. Earp, Oil City, from September 5, 1939, for the term of four years and until his successor is qualified.

J. Floyd McClymonds, Grove City, from October 2, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE STATE COUNCIL OF EDUCATION

John J. Sullivan, Philadelphia, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

Donald L. Helfferich, Lansdowne, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

(Miss) Elsie M. Heckman, Allentown, from March 28, 1940, for the term of six years and until her successor is appointed and qualified.

Herbert J. Stockton, Johnstown, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

W. Floyd Clinger, Warren, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

Marcus Aaron, Pittsburgh, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

Miles Horst, Palmyra, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

Robert C. Shaw, Camp Hill, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

G. Morris Smith, Selinsgrove, from March 28, 1940, for the term of six years and until his successor is appointed and qualified.

MEMBERS OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS

Andrew B. Crichton, Johnstown, from February 9, 1940, for the term of six years and until his successor is apponited and qualified.

George S. Richardson, Pittsburgh, from February 9, 1940, for the term of six years and until his successor is appointed and qualified.

MEMBERS OF THE PENNSYLVANIA STATE PARK AND HARBOR COMMISSION OF ERIE

Adrian J. Collins, Erie, from May 31, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

James Albert Bougie, Erie, from May 31, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Charles A. Bates, Erie, from May 31, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Robert W. Parker, Erie, from May 31, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John J. Flynn, Erie, from May 31, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE FARM PRODUCTS SHOW COMMISSION

Harry Snavely, Willow Street, from September 5, 1939, for the term of four years, and until his successor is qualified.

George Slocum, Milton, from September 5, 1939, for the term of four years, and until his successor is qualified.

C. E. Cassel, Hershey, from September 5, 1939, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

Fred Jones, Scranton, from February 1, 1940, for the term of four years and until his successor is qualified.

Lewis A. Howell, Honesdale, from February 1, 1940, for the term of four years and until his successor is qualified.

E. A. Katz, Honesdale, from February 1, 1940, for the term of four years and until his successor is qualified.

Asa B. Martin, Milford, from February 1, 1940, for the term of four years and until his successor is qualified.

Charles H. Ainey, New Milford, from February 1, 1940, for the term of four years and until his successor is qualified.

Theodore Piatkowski, Forest City, from February 1, 1940, for the term of four years and until his successor is qualified.

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

Ross L. Leffler, McKeesport, from January 8, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF HARRISBURG STATE HOSPITAL

George W. Reily, Harrisburg, from March 13, 1940, for the term of four years and until his successor is qualified.

George R. Bailey, Harrisburg, from March 13, 1940, for the term of four years and until his successor is qualified.

Spencer G. Hall, Harrisburg, from March 13, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Margaret B. McCreath, Harrisburg, from March 13, 1940, for the term of four years and until her successor is qualified.

(Mrs.) Mary P. Hardy, Harrisburg, from March 13, 1940, for the term of four years and until her successor is qualified.

James Rudisill, York, from March 13, 1940, for the term of four years and until his successor is qualified.

W. P. Dailey, Steelton, from March 13, 1940, for the term of four years and until his successor is qualified.

William C. Freeman, Cornwall, from March 13, 1940, for the term of four years and until his successor is qualified.

George E. Lloyd, Mechanicsburg, from March 13, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF HAZLETON STATE HOSPITAL

Walter H. Dietrich, Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

W. S. Carter, West Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

Jonah Evans, Freeland, from August 24, 1939, for the term of four years and until his successor is qualified.

Stephen Pavlovich, Eckley, from August 24, 1939, for the term of four years and until his successor is qualified.

Peter Hartenstein, West Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

George B. Markle, Jr., Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

Edward J. Gormley, Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

Charles L. Wilde, Hazleton, from August 24, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE PENNSYLVANIA HISTORICAL COMMISSION

(Miss) Frances Dorrance, Wilkes-Barre, from January 19, 1940, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Edward R. Barnsley, Newtown, from January 19, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Gregg L. Neel, Pittsburgh, from January 19, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Ross Pier Wright, Erie, from January 19, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Roy Franklin Nichols, Swarthmore, from April 24, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBER OF THE BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

(Mrs.) Jennie S. Reed, Indiana, from May 31, 1939, for the term of four years and until her successor is qualified.

MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

William L. Dickel, Upper Darby, from July 14, 1939, until June 2, 1941, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF LAURELTON STATE VILLAGE

Roy R. Finkle, Mifflinburg, from February 27, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Anne M. R. Horlacher, New Berlin, from February 27, 1940, for the term of four years and until her successor is qualified.

Harold T. Garard, Lewisburg, from February 27, 1940, for the term of four years and until his sucessor is qualified.

Harry C. Seebold, Sunbury, from February 27, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Martha Shuman, Northumberland, from February, 27, 1940, for the term of four years and until her successor is qualified.

Fred W. Maue, Shamokin, from February 27, 1940, for the term of four years and until his successor is qualified.

Ralph Witmer, Selinsgrove, from February 27, 1940, for the term of four years and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF MANSFIELD STATE TEACHERS COLLEGE

Thomas A. Crichton, Wellsboro, from June 16, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE STATE BOARD OF MEDICAL EDUCATION AND LICENSURE

C. J. Hemminger, Somerset, from February 9, 1940, for the term of four years and until his successor is appointed and qualified.

John E. James, Philadelphia, from February 9, 1940, for the term of four years and until his successor is appointed and qualified.

Charles L. Shafer, Kingston, from February 9, 1940, for the term of four years and until his successor is appointed and qualified.

Irvin D. Metzger, Pittsburgh, from February 9, 1940, for the term of four years and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF NANTICOKE STATE HOSPITAL

W. E. Weinick, Nanticoke, from January 31, 1940, for the term of four years and until his successor is qualified.

David Girvan, Nanticoke, from January 31, 1940, for the term of four years and until his successor is qualified.

A. M. Thomas, Alden, from January 31, 1940, for the term of four years and until his successor is qualified.

Herbert Pearson, Wilkes-Barre, from January 31, 1940, for the term of four years and until his successor is qualified.

Baden Thomas, Nanticoke, from January 31, 1940, for the term of four years and until his successor is qualified.

William Anderson, Shickshinny, from January 31, 1940, for the term of four years and until his successor is qualified.

Zigmund Butkiewicz, Nanticoke, from January 31, 1940, for the term of four years and until his successor is qualified.

Edward Makowski, Nanticoke, from January 31, 1940, for the term of four years and until his successor is qualified.

Carl Sachs, Mountaintop, from January 31, 1940, for the term of four years and until his successor is qualified.

MAJOR GENERAL, PENNSYLVANIA NATIONAL GUARD

Edward Martin, Washington, from June 26, 1939, until lawfully determined and annulled.

Edward James Stackpole, Jr., Harrisburg, from February 23, 1940, until lawfully determined and annulled.

MEMBERS OF THE BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL

George W. Miller, Norristown, from June 26, 1939, for the term of four years and until his successor is qualified.

(Miss) Nancy P. Highley, Norristown, from June 26, 1939, for the term of four years and until her successor is qualified.

E. Leidy Brendlinger, Norristown, from June 26, 1939, for the term of four years and until his successor is qualified.

Aaron L. Ruth, Conshohocken, from June 26, 1939, for the term of four years and until his successor is qualified.

George Birdsall Passmore, Oxford, from June 26, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Esther Lee Wolbert, Philadelphia, from June 26, 1939, for the term of four years and until her successor is qualified.

(Mrs.) Rhoda Reath Crooks, Norwood, from June 26, 1939, for the term of four years and until her successor is qualified.

Samuel K. McConnell, Jr., Philadelphia, from June 26, 1939, for the term of four years and until his successor is qualified.

MEMBER OF THE STATE BOARD OF EXAMINERS FOR THE REGISTRATION OF NURSES

(Miss) Emma S. Ballamy, Wilkes-Barre, from December, 27, 1939, for the term of six years and until her successor is appointed and qualified.

(Miss) Loretta M. Johnson, Philadelphia, from December 27, 1939, for the term of six years and until her successor is appointed and qualified.

MEMBERS OF THE STATE BOARD OF OSTEOPATHIC EXAMINERS

H. M. Vastine, Harrisburg, from December 27, 1939, for the term of four years and until his successor is appointed and qualified.

Charles D. Farrow, Erie, from December 27, 1939, for the term of four years and until his successor is appointed and qualified.

Thomas H. Oxley, Philadelphia, from December 27, 1939, for the term of four years and until his successor is appointed and qualified.

L. S. Irwin, Washington, from January 19, 1940, for the term of four years and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNHURST STATE SCHOOL

Guy W. Knauer, West Chester, from January 10, 1940, for the term of four years and until his successor is qualified.

I. DeVault Chrisman, Elverson, from January 10, 1940, for the term of four years and until his successor is qualified.

Claude B. Wagoner, Spring City, from January 10, 1940, for the term of four years and until his successor is qualified.

Edward J. Breece, Phoenixville, from January 10, 1940 for the term of four years and until his successor is qualified.

Daniel J. Dunne, Oxford, from January 10, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Hazel B. Trimble, Wayne, from January 10, 1940, for the term of four years and until her successor is qualified.

Frank W. Shalkop, Collegeville, from January 10, 1940, for the term of four years and until his successor is qualified.

John S. Galt, Glen Moore, from January 10, 1940, for the term of four years and until his successor is qualified.

Ralph W. Ralston, Pottstown, from January 10, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA INDUSTRIAL SCHOOL

Joseph H. Mosser, Williamsport, from October 6, 1939, for the term of four years and until his successor is qualified.

Albert I. Wise, Pittsburgh, from October 6, 1939, for the term of four years and until his successor is qualified.

John H. Biddle, Huntingdon, from October 6, 1939, for the term of four years and until his successor is qualified.

Charles S. Bentley, Corry, from October 6, 1939, for the term of four years and until his successor is qualified.

Frederick B. Smillie, Gulph Mills, from March 11, 1940, for the term of four years and until his successor is qualified.

D. C. Goodman, Mt. Union, from April 18, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA TRAINING SCHOOL

J. Elmer Johnston, Canonsburg, from March 14, 1940, for the term of four years and until his successor is qualified.

Henry Baker Reiley, Somerset, from March 14, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Gaynelle M. Dixon, Butler, from March 14, 1940, for the term of four years and until her successor is qualified.

J. F. McQuistion, McDonald, from March 14, 1940, for the term of four years and until his successor is qualified.

Cleve Murray, Houston, from March 14, 1940, for the term of four years and until his successor is qualified.

Howard W. Hughes, Washington, from March 14, 1940, for the term of four years and until his successor is qualified.

Garfield A. McDowell, Greensburg, from March 14, 1940, for the term of four years and until his successor is qualified.

James H. Duff, Pittsburgh, from March 14, 1940, for the term of four years and until his successor is qualified.

J. A. Evans, Ellwood City, from March 14, 1940, for the term of four years and until his successor is qualified.

MEMBER OF THE STATE BOARD OF PHARMACY

John R. Williams, Cresco, from December 27, 1939, for the term of six years and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PHLIPSBURG STATE HOSPITAL

Rembrandt Dunsmore, Philipsburg, from August 24, 1939, for the term of four years and until his successor is qualified.

Blair Hutchinson, Houtzdale, from August 24, 1939, for the term of four years and until his successor is qualified.

Walter Williams, Ramey, from August 24, 1939, for the term of four years and until his successor is qualified.

Richard Hess, Morrisdale, from August 24, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Nancy Fryberger, Philipsburg, from August 24, 1939, for the term of four years and until her successor is qualified.

Benjamin Nicodemus, Port Matilda, from August 24, 1939, for the term of four years and until his successor is qualified.

Roy H. Schreffler, Philipsburg, from August 24, 1939, for the term of four years and until his successor is qualified.

James F. Dugan, Osceola Mills, from August 24, 1939, for the term of four years and until his successor is qualified.

MEMBER OF THE REGISTRATION COMMISSION IN AND FOR THE CITY OF PITTSBURGH

Edward M. Kenna, Pittsburgh, from October 10, 1939, until the first Monday of January, 1941, or until his successor shall be duly qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF POLK STATE SCHOOL

C. Arthur Blass, Erie, from January 29, 1940, for the term of four years and until his successor is qualified.

Henry Amsler, Clarion, from January 29, 1940, for the term of four years and until his successor is qualified.

R. Bruce McKinney, Titusville, from January 29, 1940, for the term of four years and until his successor is qualified.

John L. Morrison, Greenville, from January 29, 1940, for the term of four years and until his successor is qualified.

(Mrs.) Mary Alice Wheeler, West Hickory, from January 29, 1940, for the term of four years and until her successor is qualified.

A. R. Newton, Jr., Emlenton, from January 29, 1940, for the term of four years and until his successor is qualified.

Blaine Harrington, Franklin, from January 29, 1940, for the term of four years and until his successor is qualified.

J. V. Frampton, Oil City, from January 29, 1940, for the term of four years and until his successor is qualified.

John O'Donnell, Oil City, from January 29, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE STATE BOARD FOR THE EXAMINATION OF PUBLIC ACCOUNTANTS

M. C. Conick, Pittsburgh, from December 27, 1939, for the term of four years and until his successor is appointed and qualified.

Wilhelm E. Shissler, New Cumberland, from December 27, 1939, for the term of four years and until his successor is appointed and qualified.

MEMBERS OF THE STATE BOARD OF PUBLIC ASSISTANCE

Frank A. Robbins, Jr., Steelton, from January 16, 1940, until the third Tuesday of January, 1946.

James J. Knoud, Philadelphia, from January 16, 1940, until the third Tuesday of January, 1946.

MEMBER OF THE STATE EMPLOYES' RETIREMENT BOARD

(Mrs.) Marion Margery Scranton, Scranton, from November 2, 1939, until her successor is appointed.

MEMBERS OF THE SANITARY WATER BOARD

E. A. Holbrook, Pittsburgh, from November 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

H. Rhea Klahr, Oil City, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Eugene L. Burns, Swarthmore, from February 1, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF SCRANTON STATE HOSPITAL

Harold A. Scragg, Scranton, from August 24, 1939, for the term of four years and until his successor is qualified.

Willard G. Ward, Blakely, from August 24, 1939, for the term of four years and until his successor is qualified.

Edward Fuller, Dalton, from August 24, 1939, for the term of four years and until his successor is qualified.

H. J. Megargel, Scranton, from August 24, 1939, for the term of four years and until his successor is qualified.

John Bushko, Old Forge, from August 24, 1939, for the term of four years and until his successor is qualified.

John W. Turko, Olyphant, from August 24, 1939, for the term of four years and until his successor is qualified.

Thomas J. Davis, Clarks Summit, from August 24, 1939, for the term of four years and until his successor is qualified.

Alvah Fassett, Tunkhannock, from August 24, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE PENNSYLVANIA SECURITIES COMMISSION

Walter C. Miller, Lancaster, from July 3, 1939, until the third Tuesday of January, 1943, or until his successor shall have been appointed and qualified.

Raymond A. Cox, Meadville, from July 3, 1939, until the third Tuesday of January, 1943, or until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF SELINSGROVE STATE COLONY FOR EPILEPTICS

Elmer Bashore, McAlisterville, from August 24, 1939, for the term of four years and until his successor is qualified.

J. B. Parson, Port Royal, from August 24, 1939, for the term of four years and until his successor is qualified.

Ralph Gaul, Walnut, from August 24, 1939, for the term of four years and until his successor is qualified.

Samuel F. Metz, Thompsontown, from August 24, 1939, for the term of four years and until his successor is qualified.

A. D. Gaugler, Middleburg, from August 24, 1939, for the term of four years and until his successor is qualified.

(Mrs.) Matilda Portzline, Selinsgrove, from August 24, 1939, for the term of four years and until her successor is qualified.

Samuel H. Bubb, McClure, from August 24, 1939, for the term of four years and until his successor is qualified.

L. C. Buffington, Hummels Wharf, from August 24, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF PENNSYLVANIA SOLDIERS' AND SAILORS' HOME

J. Clark Mansfield, Pittsburgh, from January 26, 1940, for the term of four years, and until his successor is qualified.

Elmer E. Hess, Erie, from January 26, 1940, for the term of four years, and until his successor is qualified.

Floyd B. Owens, Erie, from January 26, 1940, for the term of four years and until his successor is qualified.

Merle C. Quay, Erie, from January 26, 1940, for the term of four years, and until his successor is qualified.

Edward M. Muck, Meadville, from January 26, 1940, for the term of four years, and until his successor is qualified.

Melvin G. Keller, Warren, from January 26, 1940, for the term of four years, and until his successor is qualified.

J. H. Condrin, Oil City, from January 26, 1940, for the term of four years, and until his successor is qualified.

Frank D. Beary, Allentown, from January 26, 1940, for the term of four years, and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF THE PENNSYLVANIA STATE COLLEGE

Roger W. Rowland, New Castle, from December 8, 1939, until July 1, 1940, and until his successor is appointed and qualified.

Edgar C. Weichel, Scranton, from December 8, 1939, until July 1, 1940, and until his successor is appointed and qualified.

Frederick A. Heim, Williamsport, from December 8, 1939, until July 1, 1941, and until his successor is appointed and qualified.

(Mrs.) Clara C. Phillips, Washington, from December 8, 1939, until July 1, 1941, and until her successor is appointed and qualified.

Howard J. Lamade, Williamsport, from December 8, 1939, until July 1, 1942, and until his successor is appointed and qualified.

Harry M. Moses, Pittsburgh, from December 8, 1939, until July 1, 1942, and until his successor is appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL

John A. Robertshaw, Greensburg, from June 27, 1939, for the term of four years and until his successor is qualified.

James Gregg, Greensburg, from June 27, 1939, for the term of four years and until his successor is qualified.

R. L. E. McCormick, Irwin, from June 27, 1939, for the term of four years and until his successor is qualified.

C. G. Gonder, Ligonier, from June 27, 1939, for the term of four years and until his successor is qualified.

W. N. Dickie, Blairsville, from June 27, 1939, for the term of four years and until his successor is qualified.

J. Kirk Renner, Connellsville, from June 27, 1939, for the term of four years and until his successor is qualified.

Virgil Chirico, Jeanette, from June 27, 1939, for the term of four years and until his successor is qualified.

MEMBERS OF THE STATE BOARD OF UNDERTAKERS

Warren J. Dean, Philadelphia, from November 15, 1939, until August 31, 1942, and until his successor shall have been appointed and qualified.

George R. Huff, Lansdale, from November 15, 1939, until August 31, 1945, and until his successor shall have been appointed and qualified.

Harold R. Toner, Belle Vernon, from November 15, 1939, until August 31, 1946, and until his successor shall have been appointed and qualified.

Charles A. Fitzpatrick, Plymouth, from February 1, 1940, until August 31, 1944, and until his successor shall have been appointed and qualified.

MEMBERS OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW

P. Stephen Stahlnecker, Harrisburg, from July 11, 1939, until July 1, 1941, and until his successor shall have been appointed and qualified.

Charles E. Blackburn, Philadelphia, from January 1, 1940, until July 1, 1945, and until his successor shall have been appointed and qualified.

Henry S. Lawrence, Scranton, from January 4, 1940, until July 1, 1943, and until his successor shall have been appointed and qualified.

UNEMPLOYMENT COMPENSATION REFEREES

Samuel J. Roberts, Erie, from July 11, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Harvey G. Berkhouse, Kane, from July 11, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Elbert L. Davies, Montrose, from July 11, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

George H. Bennett, Jarrettown, from July 11, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

George C. Brown, Masontown, from July 11, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

C. W. Rubendall, Millersburg, from September 29, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Patrick Conner, Philadelphia, from January 10, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John B. Conly, Pittsburgh, from February 6, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF COMMISSIONERS ON UNIFORM STATE LAWS

William A. Schnader, Philadelphia, from March 28, 1940, for the term of four years and until his successor is appointed and qualified.

William M. Hargest, Harrisburg, from March 28, 1940, for the term of four years and until his successor is appointed and qualified.

John P. Egan, Pittsburgh, from March 28, 1940, for the term of four years and until his successor is appointed and qualified.

MEMBERS OF THE VALLEY FORGE PARK COMMISSION

Edward C. Shannon, Columbia, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Thomas S. Gates, Philadelphia, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Mary Handley Forney, Lancaster, from June 28, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

(Mrs.) Eleanor Morris Lloyd, Philadelphia, from June 28, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

William Innes Forbes, Villa Nova, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Mary Gray Stetzer, Newtown Square, from June 28, 1939, until the third Tuesday of January, 1943, and until her successor shall have been been appointed and qualified.

Walter L. Wright, Lincoln University, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Anita Porter Clothier, Valley Forge, from June 28, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Joseph N. Ewing, Valley Forge, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Adolf Muller, Norristown, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Theodore Lane Bean, Norristown, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Ralph Morgan, Wyncote, from June 28, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Bessie Dobson Altemus, Philadelphia, from June 28, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

MEMBERS OF THE STATE VETERANS' COMMISSION

J. Guy Griffith, New Kensington, from March 29, 1940, until the thrid Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Fred Myers, Philadelphia, from March 29, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

George S. Fay, Altoona, from March 29, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Robert J. Doran, Wilkes-Barre, from March 29, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Henry Grab, Harrisburg, from March 29, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

Earl S. Pickup, Union City, from June 13, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Harry F. Broude, Harrisburg, from October 23, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

M. E. Patrick, Greensburg, from April 17, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

H. W. Barnard, Lancaster, from April 17, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Benjamin Price, West Chester, from April 17, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

Edward W. Johnson, Warren, from October 31, 1939, for the term of four years and until his successor is qualified.

Merle H. Deardorff, Warren, from October 31, 1939, for the term of four years and until his successor is qualified.

George Mason, Erie, from October 31, 1939, for the term of four years and until his successor is qualified.

A. E. Booth, Bradford, from October 31, 1939, for the term of four years and until his successor is qualified.

James D. Davis, Tionesta, from October 31, 1939, for the term of four years and until his successor is qualified.

Harry Smith, Ridgway, from October 31, 1939, for the term of four years and until his successor is qualified.

Roy Underwood, Knox, from October 31, 1939, for the term of four years and until his successor is qualified.

Fred Fruit, Sharon, from October 31, 1939, for the term of four years and until his successor is qualified.

Chester S. Allen, Warren, from March 21, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE WASHINGTON CROSSING PARK COMMISSION

Emil Menkle, Philadelphia, from June 19, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Linda R. Cassard, Philadelphia, from June 19, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Edward W. Pangborn, Philadelphia, from June 19, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Helen Stubbs Smith, Hatboro, from June 19, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

(Miss) Anna K. Hawkes, Bristol, from June 19, 1939, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Elmer E. Althouse, Sellersville, from June 19, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

H. W. Turner, New Hope, from June 19, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBER OF THE WATER AND POWER RESOURCES BOARD

Harold A. Thompson, Drexel Hill, from October 10, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE STATE WELFARE COMMISSON

Paul N. Schaeffer, Reading, from April 18, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Earl D. Bond, Philadelphia, from April 18, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Mrs. Mary C. Stackpole, Dauphin, from April 18, 1940, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Charles J. McBride, Pittsburgh, from April 18, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

(Mrs.) Mary B. Hanson, Philadelphia, from April 18, 1940, until the third Tuesday of January, 1943, and until her successor shall have been appointed and qualified.

Charles L. Brown, Philadelphia, from April 18, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John B. Nutt, Williamsport, from April 18, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF WERNERSVILLE STATE HOSPITAL

Margaret Hassler, Reading, from October 13, 1939, for the term of four years and until her successor is qualified.

(Mrs.) Stella Livingood, Robesonia, from October 13, 1939, for the term of four years and until her successor is qualified.

(Mrs.) Letitia Thrall Saylor, Annville, from October 13, 1939, for the term of four years and until her successor is qualified.

J. H. Zerbey, Pottsville, from October 13, 1939, for the term of four years and until his successor is qualified.

John K. Berk, Frackville, from October 13, 1939, for the term of four years and until his successor is qualified.

S. D. Bausher, Reading, from October 13, 1939, for the term of four years and until his successor is qualified.

J. A. Zook, Morgantown, from October 13, 1939, for the term of four years and until his successor is qualified.

Howard S. Lewis, Stony Creek Mills, from October 13, 1939, for the term of four years and until his successor is qualified.

D. W. Martin, Manheim, from December 7, 1939, for the term of four years and until his successor is qualified.

MEMBER OF THE BOARD OF TRUSTEES OF WEST CHESTER STATE TEACHERS COLLEGE

William D. Ridgway, Bethayres, from January 9, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE WORKMEN'S COMPENSATION BOARD

Daniel G. Murphy, Philadelphia, from July 1, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Wilmer M. Jacoby, Pittsburgh, from July 1, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Leo G. Knoll, Dickson City, from July 1, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

WORKMEN'S COMPENSATION REFEREES

A Harry Clayton, Doylestown, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John Sheldrake, Philadelphia, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Joseph P. Olexy, Plymouth, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Percy A. Patterson, Altoona, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Thomas Anthony Thornton, Pittsburgh, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Laurence Van Gibb, Sewickley, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

William Johnston Curtis, Sewickley, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Harvey Earl Moore, Sharon, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

J. Ross Foust, Greensburg, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Jesse George Smith, Warren, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

David W. Phillips, Scranton, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

John Bassler Graybill, Lancaster, from October 10, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Leroy Enterline, Ashland, from February 2, 1940, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

MEMBER OF THE STATE WORLD'S FAIR COMMISSION

Richard P. Brown, Philadelphia, from March 20, 1940, until annulled.

PUBLIC ASSISTANCE BOARDS

Also the following persons to be MEMBERS OF THE COUNTY BOARDS OF ASSISTANCE, for the terms set opposite their names:

ADAMS COUNTY

Lloyd W. Kuhn, Bendersville, from July 10, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

J. H. Weaver, Littlestown, from December 31, 1939, until December 31, 1942,

Banks E. Benner, Fairfield, from January 24, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

ALLEGHENY COUNTY

Charles D. Aquadro, Pittsburgh, from May 31, 1939, until December 31, 1940, and until his successor is duly ap- and qualified.

E. S. Wallace, Pittsburgh, from December 31, 1939, until December 31, 1942,

David L. Starr, Pittsburgh, from December 31, 1939, until December 31, 1942.

Stanley J. Kann, Pittsburgh, from March 1, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

BEAVER COUNTY

(Mrs.) Rebecca R. Brown, Rochester, from May 31, 1939, until December 31, 1941, and until her successor is duly appointed and qualified.

(Mrs.) Agnes Perrott, Beaver Falls, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

Robert M. Crawford, Aliquippa, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

Perry A. Smith, New Brighton, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

T. B. Brownlee, New Brighton, from February 23, 1940, until December 31, 1942.

J. Newman Walker, Ambridge, from February 23, 1940, until December 31, 1942.

BERKS COUNTY

(Mrs.) Nellie S. Shook, Reading, from December 31, 1939, until December 31, 1942.

Andrew P. Bower, Reading, from December 31, 1939, until December 31, 1942.

BLAIR COUNTY

Orris G. Crist, Altoona, from December 31, 1939, until December 31, 1942.

(Mrs.) Jennie D. Walter, Claysburg, from December 31, 1939, until December 31, 1942.

Zac Endress, Altoona, from February 1, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

BRADFORD COUNTY

(Mrs.) Charlotte L. Davidson, Towanda, from December 31, 1939, until December 31, 1942.

Martin R. Stalford, Wyalusing, from December 31, 1939, until December 31, 1942.

Samuel J. Kresge, Sayre, from December 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

BUCKS COUNTY

(Mrs.) Leanore Leattor, Riegelsville, from December 31, 1939, until December 31, 1942.

John T. Shaffer, Sellersville, from December 31, 1939, until December 31, 1942.

BUTLER COUNTY

F. Carl Anderson, Butler, from May 31, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

J. Brady Murrin, Butler, from December 31, 1939, until December 31, 1942.

(Mrs.) Anita Williams, Butler, from December 31, 1939, until December 31, 1942.

CAMBRIA COUNTY

Edwin F. Kinkead, Ebensburg, from February 1, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

(Mrs.) Augusta O'Donnell, Spangler, from February 1, 1940, until December 31, 1942, and until her successor is duly appointed and qualified.

CAMERON COUNTY

(Miss) Nellie Whiting, Sterling Run, from December 31, 1939, until December 31, 1942.

(Mrs.) Julia Lightner, Sinnemahoning, from December 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

J. Wright Mason, Sterling Run, from December 31, 1939, until December 31, 1942, and until his successor is duly appointed and qualified.

CARBON COUNTY

Roy Remaley, Summithill, from December 31, 1939, until December 31, 1942.

John Marzen, East Mauch Chunk, from December 31, 1939, until December 31, 1942.

CENTRE COUNTY

Lewis Hohnka, Philipsburg, from December 31, 1939, until December 31, 1942.

H. T Struble, Bellefonte, from December 31, 1939, until December 31, 1942.

CHESTER COUNTY

(Mrs.) Eugenie Cassett Davis, Berwyn, from January 10, 1940, until December 31, 1942, and until her successor is duly appointed and qualified.

C. Gilbert Hazlett, Kennett Square, from January 10, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

CLARION COUNTY

H. C. Faller, Fryburg, from December 31, 1939, until December 31, 1942.

Eugene Woods, Sligo, from December 31, 1939, until December 31, 1942.

CLEARFIELD COUNTY

John Y. Rafferty, Grampian, from December 31, 1939, until December 31, 1942.

Glenn W. Benson, DuBois, from December 31, 1939, until December 31, 1942.

CLINTON COUNTY

Edward M. Eberhart, Lock Haven, from December 31, 1939, until December 31, 1942.

Ralph Welshans, Boonville, from December 31, 1939, until December 31, 1942.

(Mrs.) Stella Cumimngs, Lock Haven, from February 1, 1940, until December 31, 1941, and until her successor is duly appointed and qualified.

Howard Gundlach, Avis, from February 1, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Agnes Mercer, Renovo, from February 16, 1940, until December 31, 1940, and until her successor is duly appointed and qualified.

COLUMBIA COUNTY

(Mrs.) Jessie F. Herring, Orangeville, from December 31, 1939, until December 31, 1942.

CRAWFORD COUNTY

(Mrs.) Jeannette W. Hood Beatty, Meadville, from December 31, 1939, until December 31, 1942.

Emmett Allen, Townville, from December 31, 1939, until December 31, 1942.

CUMBERLAND COUNTY

(Mrs.) Louise Bentz Carroll, Carlisle, from May 31, 1939, until December 31, 1941, and until her successor is duly appointed and qualified.

Ray E. Hutter, Mechanicsburg, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Emma E. Brownhill, Enola, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Lottie M. Thompson, Camp Hill, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

G. R. Fogelsonger, Shippensburg, from May 31, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

DAUPHIN COUNTY

Harry S. Smeltzer, Harrisburg, from September 7, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

(Mrs.) Belle K. Kunkel, Harrisburg, from December 31, 1939, until December 31, 1942.

Walter Zerbe, Lykens, from February 23, 1940, until December 31, 1942.

DELAWARE COUNTY

M. W. Cohen, Glen Mills, from May 31, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

E. Wallace Chadwick, Chester, from May 31, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

(Mrs.) Eleanor B. Lloyd, Haverford, from May 31, 1939, until December 31, 1941, and until her successor is duly appointed and qualified.

(Mrs.) Ann T. Monihan, Ridley Park, from May 31, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

(Mrs.) Doris Garvin Kinsley, Wallingford, from August 18, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

Clarence L. Conner, Chester, from February 23, 1940, until December 31, 1942.

Raymond Rooke Start, Upper Darby, from February 23, 1940, until December 31, 1942.

ELK COUNTY

John F. Joyce, St. Marys, from July 25, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

(Mrs.) Doris Thurston Engstrom, Johnsonburg, from December 31, 1939, until December 31, 1942.

(Mrs.) Frances Whamond, Brockport, from December 31, 1939, until December 31, 1942.

ERIE COUNTY

A. J. Scolio, Erie, from December 31, 1939, until December 31, 1942.

Horton J. Davis, Corry, from March 6, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

FOREST COUNTY

C. A. Weaver, Tionesta, from December 31, 1939, until December 31, 1942.

FRANKLIN COUNTY

Howard E. Craig, Waynesboro, from December 31, 1939, until December 31, 1942.

(Mrs.) Ruth F. Humbert, Greencastle, from December 31, 1939, until December 31, 1942.

Edgar W. Diehl, Chambersburg, from February 1, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

FULTON COUNTY

(Mrs.) Kathryn E. Shimer, McConnellsburg, from December 31, 1939, until December 31, 1942.

H. P. Barton, Hustontown, from February 1, 1940, until December 31, 1942.

GREENE COUNTY

William T. Moore, Waynesburg, from December 31, 1939, until December 31, 1942.

E. C. Cowell, Waynesburg, from December 31, 1939, until December 31, 1942.

INDIANA COUNTY

Edward M. Thompson, Home, from December 31, 1939, until December 31, 1942.

W. P. Frech, Home, from December 31, 1939, until December 31, 1942, and until his successor is duly appointed and qualified.

JEFFERSON COUNTY

O. H. Johnston, Reynoldsville, from December 31, 1939, until December 31, 1942, and until his successor is duly appointed and qualified.

JUNIATA COUNTY

Ezra C. Doty, Mifflintown, from December 31, 1939, until December 31, 1942.

Mrs. Anna S. Smith, Thompsontown, from April 18, 1940, until December 31, 1942, and until her successor is duly appointed and qualified.

LACKAWANNA COUNTY

Michael Holod, Dickson City, from December 31, 1939, until December 31, 1942.

Thomas Quinn, Scranton, from December 31, 1939, until December 31, 1942.

LANCASTER COUNTY

George L. Heiges, Manheim, from December 31, 1939, until December 31, 1942.

LEBANON COUNTY

Edwin P. Rank, Lebanon, from December 31, 1939, until December 31, 1942.

(Mrs.) Sue E. Marquart, Lebanon, from December 31, 1939, until December 31, 1942.

LEHIGH COUNTY

Thomas L. Smyth, Allentown, from December 31, 1939, until December 31, 1942.

Gurney F. Afflerbach, Allentown, from December 31, 1939, until December 31, 1942.

LYCOMING COUNTY

(Mrs.) Edna Laurea Younkin, Williamsport, from December 31, 1939, until December 31, 1942.

Paul J. Egan, Jersey Shore, from December 31, 1939, until December 31, 1942.

McKEAN COUNTY

W. Fred Grow, Duke Center, from December 31, 1939, until December 31, 1942.

MERCER COUNTY

(Mrs.) Mildred Clark, Sharpsville, from December 31, 1939, until December 31, 1942.

(Mrs.) Minnie Hildebrand, Sharon, from December 31, 1939, until December 31, 1942.

MIFFLIN COUNTY

E. W. Thomas, Burnham, from December 31, 1939, until December 31, 1942.

Guy Middlesworth, Belleville, from February 23, 1940, until December 31, 1942.

MONROE COUNTY

(Mrs.) Leila M. Beers, Stroudsburg, from December 31, 1939, until December 31, 1942.

(Mrs.) Lou W. Rhoads, Tobyhanna, from December 31, 1939, until December 31, 1942.

MONTGOMERY COUNTY

Lawrence E. Orgill, Pottstown, from December 31, 1939, until December 31, 1942.

Nathanael B. Groton, Whitemarsh, from December 31, 1939, until December 31, 1942.

MONTOUR COUNTY

Walter Brown, Danville, from December 31, 1939, until December 31, 1942.

John F. Tooley, Danville, from December 31, 1939, until December 31, 1942.

R. W. Yohn, Danville, from January 23, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

NORTHAMPTON COUNTY

John F. Oldt, Easton, from December 31, 1939, until December 31, 1942.

(Miss) Catherine McGrath, Easton, from December 31, 1939, until December 31, 1942.

PERRY COUNTY

(Mrs.) Ella M. Gray, Blain, from July 13, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

(Miss) Marion Shull, Newport, from August 18, 1939, until December 31, 1940, and until her successor is duly appointed and qualified.

Paul Ellenberger, Marysville, from December 31, 1939, until December 31, 1942.

Harry Crytzer, New Bloomfield, from April 18, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

PHILADELPHIA COUNTY

G. Vico Ciccone, Philadelphia, from June 19, 1939, until December 31, 1941, and until his successor is duly appointed and qualified.

Cadmus Z. Gordon, Jr., Philadelphia, from December 31, 1939, until Decemebr 31, 1942.

(Miss) Mary Dercum, Philadelphia, from December 31, 1939, until December 31, 1942.

(Mrs.) Marianna G. Coleman, Philadelphia, from December 31, 1939, until December 31, 1942.

Harry A. Cochran, Philadelphia, from February 16, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

Wayne S. Hopkins, Philadelphia, from April 2, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

Herbert L. Nelke, Philadelphia, from April 2, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

PIKE COUNTY

Norman Guillot, Bushkill, from December 31, 1939, until December 31, 1942.

William Weintz, Matamoras, from April 18, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

George V. Thompson, Milford, from April 18, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

POTTER COUNTY

Carlton C. Grover, Ulysses, from December 31, 1939, until December 31, 1942.

Wm. T. Fisk, Roulette, from February 1, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

SCHUYLKILL COUNTY

(Mrs.) Bessie Seidell Bechtel, Pottsville, from December 31, 1939, until December 31, 1942.

(Mrs.) Mary Cecelia Hagen, St. Clair, from December 31, 1939, until December 31, 1942.

SNYDER COUNTY

Oscar E. Letteer, Beavertown, from December 31, 1939, until December 31, 1942.

Homer VanDevender, Selinsgrove, from December 31, 1939, until December 31, 1942.

SOMERSET COUNTY

Charles Blatt, Somerset, from December 31, 1939, until December 31, 1942.

(Mrs.) Daryle Heckman, Somerset, from December 31, 1939, until December 31, 1942.

SULLIVAN COUNTY

(Miss) Anna Speary, Sonestown, from December 31, 1939, until December 31, 1942.

(Mrs.) Marie Hydock, Sonestown, from February 1, 1940, until December 31, 1942.

SUSQUEHANNA COUNTY

(Mrs.) Winifred Meehan, Montrose, from December 31, 1939, until December 31, 1942.

Frank J. Chapman, Susquehanna, from December 31, 1939, until December 31, 1942.

TIOGA COUNTY

(Miss) Helen A. Blair, Wellsboro, from December 31, 1939, until December 31, 1942.

George O'Donnell, Blossburg, from December 31, 1939, until December 31, 1942.

Fred A. Juplenaz, Covington, from February 16, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

UNION COUNTY

Arthur E. Minnier, Lewisburg, from December 31, 1939, until December 31, 1942.

(Mrs.) Blanche A. Ehrhart, Mifflinburg, from December 31, 1939, until December 31, 1942.

VENANGO COUNTY

(Mrs.) Gladys Baker Maitland, Franklin, from December 31, 1939, until December 31, 1942.

H. Carl Wasson, Franklin, from February 1, 1940, until December 31, 1941, and until his successor is duly appointed and qualified.

Melville W. Robinson, Oil City, from February 23, 1940, until December 31, 1942.

WARREN COUNTY

Raymond F. Morrison, Warren, from June 22, 1939, until December 31, 1940, and until his successor is duly appointed and qualified.

Joseph C. Wygant, Warren, from August 18, 1939, until

December 31, 1941, and until his successor is duly appointed and qualified.

Leonard Swanson, Warren, from December 31, 1939, until December 31, 1942.

Fred Shaw, Tidioute, from December 31, 1939, until December 31, 1942.

WASHINGTON COUNTY

(Mrs.) Delia Kelly, Donora, from April 18, 1940, until December 31, 1942.

Wray G. Zelt, Jr., Washington, from April 18, 1940, until December 31, 1942, and until his successor is duly appointed and qualified.

William D. Davies, McDonald, from April 18, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

WAYNE COUNTY

George Gilchrist, Lake Como, from December 31, 1939, until December 31, 1942.

(Miss) Edith Swift, Honesdale, from December 31, 1939, until December 31, 1942.

WESTMORELAND COUNTY

J. Karl Beery, Monessen, from April 17, 1940, until December 31, 1940, and until his successor is duly appointed and qualified.

WYOMING COUNTY

Cecil P. Allen, Tunkhannock, from December 31, 1939, untitl December 31, 1942.

(Miss) Nellie Klinefelter, Factoryville, from December 31, 1939, until December 31, 1942.

(Mrs.) Esther Englemier, Osterhout, from March 20, 1940, until December 31, 1940, and until her successor is duly appointed and qualified.

YORK COUNTY

(Mrs.) Caroline M. Delle, York New Salem, from December 31, 1939, until December 31, 1942.

John E. Sheffer, York, from December 31, 1939, until December 31, 1942.

ARTHUR H. JAMES.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. SCARLETT,

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. SCARLETT,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Lanius, | Scarlett, |
| Chapman, | Fulton, | Letzler, | Shapiro, |
| Coleman, | Gelder, | Mallery, | Sipe, |
| Crowe, | Geltz, | McCreesh, | Snowden, |
| Dando, | Haluska, | McGinnis, | Stevenson, |
| Deitrick, | Heyburn, | Miller, | Stiefel, |
| Dent, | Homsher, | Mundy, | Tallman, |
| DiSilvestro, | Jacobs, | Owlett, | Thomas, |
| Ealy, | James, | Pierson, | Walker, |
| Edmonds, | Jaspan, | Reed, | Wolfenden, |
| Eroe, | Kephart, | Rice, | Woodward, |
| Farrell, | Kunkel, | Ruth, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

## QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Westmoreland will state his question of personal privilege.

Mr. DENT. I desire, Mr. President, to make a very short statement.

The PRESIDENT. The Senator from Westmoreland may proceed.

Mr. DENT. Mr. President and members of the Senate, a few moments ago I listened to an inspiring address by the President of the United States. In that address he reaffirmed the position of the United States in its desire for peace, but he asked for an appropriation of over a billion dollars for national defense. He asked that the Congress of the United States give first preference to national defense because of emergencies that might arise in the near future. He asked the Congress of the United States to provide for an air force of fifty thousand airplanes at the present time, and annual production facilities of fifty thousand a year. He also asked the Congress of the United States to provide for the training of one hundred thousand airplane pilots annually. He asked the Congress of the United States to go along with him and the rest of the people of America in telling the whole world that we are ready for peace, we desire peace, but stand ready to defend our shores in case of any eventualities. He asked the cooperation of every man, woman and child in the United States to make this country safe for what it was intended for.

I say it was an inspiring address, and the most inspiring address that has come out of Washington in my lifetime. The President has just told all the people of all the world we in America intend to lay down our lives if need be, to see that this country that was created for the people, of the people and by the people, this government of ours, for which we would give every ounce of our strength and every drop of our blood, shall not perish from the earth.

Mr. President, I wish to reaffirm my faith in the ideals and my allegiance to the principles as laid down by the President of the United States this afternoon.

## QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I understand there are no original resolutions, so I would like to rise at this time on a question of personal privilege, which will be very brief.

The PRESIDENT. The Senator from Philadelphia will proceed.

Mr. SHAPIRO. Mr. President, this session is about to close, and the program of the administration will be com-

pleted within the next forty-eight hours. I think it is a healthy plan that all of us, and the public as well, should contemplate the future, particularly in such a fast changing world.

Mr. President, I would like to leave a few figures with my colleagues and I would also like at this time to request that the press be good enough to take note of these figures, because I hope they will give them good clear prominence, because I think they are important for all of us to take away with us and think about as a real tremendous problem, not only in Pennsylvania but all over the country, because there are two defenses I think are essential to the welfare of democracy. One of them, Mr. President, the President spoke of and the gentleman from Westmoreland has referred to, and that is the physical defense against physical attack. The other, Mr. President, is an economic defense and so I submit to you the following figures, as portraying the situation which will confront the people of Pennsylvania and the next administration when the legislature meets in January.

I figured up last night that according to the amounts of money which have already been spent for eleven months and taking the lowest amount of money spent for relief during those four months, January, February, March and April, there has been spent a hundred and forty millions of dollars—I should say $129,500,000 up until now; and adding ten and a half million dollars, which was the lowest amount during these four months, it means that for this year a hundred and forty millions of dollars will have been expended for relief.

There was originally, according to the appropriation provided for relief, one hundred twenty-nine million of dollars which, I think subsequently was changed or reduced by the Governor to somewhere around one hundred twenty-four or one hundred twenty-six millions of dollars; but assuming that we have appropriated one hundred twenty-nine millions of dollars, there will be necessary—I think it was one hundred twenty-six million—there will be a shortage of fourteen millions of dollars this year to meet the expenditures as against the allowances of the budget.

Now, Mr. President, assuming that our expenditures next year, in the year 1941—not the biennium but the year 1941—will be on the same basis, it means that for the year 1941 the Commonwealth of Pennsylvania must provide the money, first, which we have already spent for the next twelve months, or which we will spend for the next twelve months, from May until May, which will be on the present basis one hundred forty million dollars, plus the shortage of fourteen million dollars occuring this year, or a total of one hundred fifty-four millions of dollars, which will be the deficit for relief from now until May 31, 1941.

If you add to that the amount which will have to be spent in 1941, May 1941 to May 1942, on the same basis you must add another one hundred forty million dollars, which gives you two hundred ninety-four millions of dollars to be provided for future relief, all of which must be paid in one year, because you will have next year to make up, be obliged to make up in the next year, the one hundred fifty-four millions from now until then, the one hundred forty millions which you will need upon the same basis of expenditure, which totals two hundred ninety-four million dollars.

You should add to that, Mr. President, the normal expenses of the government, including the legislative, administrative and executive, the subsidies, the institutions which we aid, and you must add to that fund two hundred and two millions of dollars; so that you must meet $494,000,000 of taxes before the end of the next biennium.

I suggested to myself last night it would be a good thing for us all to contemplate that, first, because none of us has ever really, from a non-political point of view, approached that problem. I confess that I myself on many occasions have been bound by political party position, and sometimes I have been bound by stubborn views of my own. The same thing is true, to the political extent, on the other side of the House. I know one thing has been true—there has never been a session of this legislature or, to my knowledge of any congress, which has approached affairs of state in the last forty years except as a purely political proposition—generally, I mean. Each side comes into the hall of the legislature to preserve the position which it feels it must maintain. And maybe we were a great county, maybe we are a great country, and maybe we should say to ourselves it must be a great country if it can survive that kind of legislation and still be a democracy; but I think, in the situation we have in the whole world now, we ought to give pause to the thought that there comes a time when that from within may destroy you, and that from without may destroy you, and when the danger threatens to such an extent from without, it may be well if we give pause to find out whether we should eliminate some of the dangers from within, destroy the partisanship of politics, to save the principle of democracy; and the only way we can do it is to honestly look the situation in the face.

We can charge you gentlemen, and have already done so, with the fact that you have dodged the issue of relief. That will make up partisans and give us the right to go out and talk about it, and we will be able to say to the public generally that the Republican party dodged the responsibility. That may save us from criticism and bring it up you, but it will not save the democracy and so I am hoping—I said I would only speak a few words—I am hoping all of you, and the public generally, will begin to realize that there is a tremendous problem. The public should realize that the provision of seventy-one millions of dollars now is merely a drop in the bucket, it is just a little less than half of the amount that will be necessary to make up the deficit from last year and the amount for the coming year; and I am speaking of fiscal years. The public should realize that even that money has not been provided, but has been transferred; and that that money has to be returned.

The public should also realize that even though that money has now been provided, or is to be provided, that money has to be returned, and the public should also realize that while it may justly criticize both sides for their political attitude toward the matter, the public must assume part of the responsibility by taking upon itself a more realistic view of the relief problem.

Mr. President, those of us who have in our zeal to meet the emergency contributed to the belief which would otherwise generally occur, that the state and the nation owes each and every individual a living, whether he is willing to work for it or not, must take a stand now and say frankly, if we have contributed to that we had better try in the future to explain it was not our intention to

convey such a thought; and we at the same time should say we do not mean to say if you are willing to work and you can work and you can not find work, that you should starve; but the two propositions must be considered together.

There is no inalienable right of the citizen of the commonwealth to demand from the government support whether he wants to make a contribution to government and to society or not. He must make his contribution; he must be willing to make his contribution, and having made his contribution or shown his willingness to do so, the responsibility then resolves upon the government, which after all is you and me, to see to it that that man shall have the opportunity to work and being willing and not having the opportunity, or the work, it must be seen to that he should not starve; but he should not be ill, he should not be crippled; he is the charge and the ward of the government, because the government is his government, my government and your government, and I hope that the time will soon come—and I make this statement because while I hoped it before, and expressed the hope, I do not think I did it with as a feeling of confidence that it might be realized as I do now, because I know common danger brings different factions together to defend against the common danger, and if there is anything that can be taken out of, or gained, by such an inhuman world as we see today, such a cruel world, maybe the lesson of the danger that lies in selfishness, avariciousness and desire for individual, or political, or party, or state power becomes so apparent to all of us we will realize it is not worth fighting for, but what is worth fighting for is that which we have established here and found to be the best known government—the right of freedom of speech and action so long as you do not unfairly treat the other fellow, who has the same right.

And, Mr. President, I hope that beginning now we will do that which I have said the Governor of this Commonwealth should have done, and those of the other side who had influence, they should have begun to study the problem as soon as the legislature adjourned and tried to solve it in cooperation with this side of the house.

I know, and everyone knows, that the Governor has never called into conference this side of the house, and I am not criticizing him for it, because that seems to be the custom up until now.

I am pleading for two things, Mr. President, a change of the custom, and an effort to understand, by each and every Senator and by each and every citizen, the problems of this government, because it is the problem of the citizen—the government is the citizen. And I want to emphasize again we in the Senate, who deal with these millions, become accustomed to them and do not become startled while we are in the Senate chamber. Take these figures home with you and try to visualize, in a world like we have today where we are being shut suddenly off from our commercial intercourse with many countries upon whom we depend for our economic stability, what, in that kind of a world, four hundred and ninety-four millions of dollars to be raised in one year means as compared to only one hundred eighty-five millions of dollars, which was the budget of this Commonwealth about ten years ago.

## QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong will proceed.

Mr. SIPE. I will not be very long, Mr. President. It is anent the request of Senator Shapiro to the gentlemen of the press to publish the figures he has given.

Well, you know, Mr. President, sometimes the gentlemen of the press do not give a full picture of the subject they report. I am thinking now of a report that my friend Mr. Boyd Hamilton, of the Harrisburg Telegraph, has in today's issue of that famous paper. He takes a remark or two of mine, that I uttered on this floor, takes them entirely out of the context, and therefore presents a distorted picture. I told him about it a few minutes ago, and asked why he took it out of the context.

Brother Hamilton replied he did not have the space in his paper to give the full picture.

I told him I thought it was a rather cowardly way to report and, if I understood him right, he told me to go to hell.

Well, Mr. President, I am a kind-hearted man; I am an obliging man; I aim to please; but in this case I find myself, at least to the present, unwilling to comply with that request.

I say I will not take up much time, because you know, after all, I suppose very few people take very seriously anything that Brother Hamilton scribbles anyway.

## LEAVE OF ABSENCE

Mr. REED. Mr. President, I did not hear the Chair call the first order of business, the report of absentees, and if I failed in that particular I would like to refer back to that order of business.

The PRESIDENT. The Senator from Washington, Mr. Reed, did not fail to hear the order of business. By unanimous consent we went into the report of the committee on Executive Nominations, and if the Senator desires we will go back to leaves of absence now.

Mr. REED. Mr. President, I just want to comply with the request of the gentleman from Fayette, Senator CAVALCANTE, that he be noted as absent today, he having stated he was called away on timely business.

The PRESIDENT. The Chair hears no objection. The leave of absence is granted.

## RESOLUTION CALLED UP FROM THE TABLE

Mr. HALUSKA. Mr. President, I now call up for consideration the joint resolution which was made a special order of business at this hour.

The PRESIDENT. The resolution is called up and the Clerk will read the resolution.

## DISCONTINUING USE OF JUDGMENT BONDS TO RELIEF RECIPIENTS

In the Senate, May 13, 1940.

Whereas, The rule or regulation of the Department of Public Assistance requiring relief recipients to execute a bond as a condition precedent to receiving relief has been a constant source of public indignation for years as the requirement has had the effect of penalizing only those citizens of the Commonwealth who heretofore through their industry and thrift managed to become home owners controversy; and

Whereas, The General Assembly regards home owner-

ship as one of the highest forms of good citizenship and wishes to encourage it in every conceivable manner; and

Whereas, The interests of the Commonwealth are adequately and fully protected by existing law; therefore be it

Resolved (if the House of Representatives concur), That the Secretary of the Department of Public Assistance is hereby directed to discontinue the rule or regulation requiring relief recipients to execute a bond as a condition precedent to qualifying for relief and that henceforth no such requirement shall be made make a study and investigation of:

(1) The relative advantages and disadvantages to all concerned of the present rule or regulation requiring relief recipients to execute a reimbursement agreement as a condition precedent to qualifying for relief.

Resolved, That the Secretary of Public Assistance shall make a report of such study and investigation to the General Assembly at its next regular session, together with his recommendation, for its guidance on this subject.

On the question,

Will the Senate agree to the Resolution?

Mr. HALUSKA. Mr. President and gentlemen of the Senate, I offered that resolution a week ago Monday night. Up until this time it has been almost impossible to bring it to a vote. My colleagues on the right have asked me on a number of occasions to withhold this resolution until they have had sufficient time to prepare proposed amendments. I yielded on a number of occasions and now we find ourselves confronted with this problem: I would like to read into the record the provisions of this bond set up by the Department of Public Assistance. I will not disclose the name of one of my constituents, but I will read the letter.

"COMMONWEALTH OF PENNSYLVANIA
"DEPARTMENT OF PUBLIC ASSISTANCE

P. O. Box No. 349, Johnstown, Penna.

"March 28, 1940.

"Dear Sir:

"Because of the provisions of Section 4 of the Support Law of 1937, you are required in connection with the receipt of public assistance to sign a Reimbursement Agreement which is to be recorded as a lien against your property, guaranteeing repayment of assistance received or to be received.

"This letter is to advise you that since you have not yet signed a Reimbursement Agreement, it is necessary that you come to the Court House, Ebensburg, Pa., between 9:00 a. m. and 4:00 p. m. for the purpose of signing the form, on Monday, April 1, 1940.

"Please bring your deed with you for verification of deed name only. The deed will remain in your possession.

"If the property is owned jointly, it will be necessary for all persons holding title to appear.

"Failure to keep this appointment and sign the Reimbursement Agreement will result in referring this case to the Department of Justice for legal action. If such action becomes necessary no further notice will be given, and legal action will be begun immediately."

That letter, Mr. President, is signed by an official of the Department of Public Assistance. That form of letter, Mr. President, is being sent to every person in this Commonwealth who has received or who might apply for direct relief.

Now, the law has been amended—in 1939—stating that any person holding title to a property must sign this reimbursement agreement at the time of receiving relief, but this same notice is being mailed out to persons who have had no title to property up until the present time but who have received relief during 1937 and 1938.

Therefore, I would like very much to interrogate one of my colleagues on the right, and have him inform me whether or not this action is legal on the part of the Department of Public Assistance, or the Department of Justice or on the part of this Commonwealth.

The PRESIDENT. Whom does the Senator desire to interrogate?

Mr. HALUSKA. Mr. President, I might ask the chairman of the Committee on Welfare, Public Assistance and Pensions, the Senator from Northumberland, Mr. Deitrick.

The PRESIDENT. Will the Senator from Northumberland permit himself to be interrogated?

Mr. DEITRICK. Mr. President, I will.

Mr. HALUSKA. Mr. President, does the Senator have any knowledge of such letters being mailed out to relief recipients of this Commonwealth, as I have just read into the Journal?

Mr. DEITRICK. Not the letters, Mr. President.

Mr. HALUSKA. The Senator has no knowledge of them, Mr. President?

Mr. DEITRICK. No, Mr. President.

Mr. HALUSKA. Mr. President, does the Senator from Northumberland know whether it is legal for the Department of Public Assistance to compel these persons to sign such a bond for relief now, in the event they received relief two or three years ago?

Mr. DEITRICK. Mr. President, I can answer that by saying I understand they are working under the Attorney General and following his advise in that matter.

Mr. HALUSKA. Mr. President, has the Attorney General so ruled? Does the Senator know?

Mr. DEITRICK. I understand so, Mr. President.

Mr. HALUSKA. The Senator understands that, Mr. President?

Mr. DEITRICK. Yes, Mr. President.

Mr. HALUSKA. Then Mr. President, the Senator from Northumberland has no knowledge in his own mind of the action?

Mr. DEITRICK. No, Mr. President.

Mr. HALUSKA. Mr. President, I desire to interrogate any of my colleagues who might have knowledge of this action of the Department of Public Assistance.

The PRESIDENT. A general inquiry has been addressed to the gentlemen on the left. Is there anybody in a position to answer the inquiry.

Mr. HALUSKA. Mr. President, I will interrogate, if I may, the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana permit himself to be interrogated?

Mr. WOLFENDEN. I will, Mr. President.

Mr. HALUSKA. Mr. President, does the Senator from Indiana have any knowledge of a letter of this type being mailed out to relief recipients of this Commonwealth?

Mr. WOLFENDEN. I have no such knowledge, Mr. President.

Mr. HALUSKA. The Senator does not have such knowledge, Mr. President?

Mr. WOLFENDEN. No, Mr. President.

Mr. HALUSKA. Mr. President, does the Senator from Indiana know that relief recipients are compelled to sign a two thousand dollar bond whether they have received

relief two years ago or three years ago, or are applying for relief today? Does the Senator have any knowledge concerning that.

Mr. WOLFENDEN. Mr. President, I have no specific knowledge of that.

Mr. HALUSKA. Mr. President, does the Senator from Indiana have any knowledge of voting for any specific legislation that might have given power to the Department of Public Assistance to create such a rule?

Mr. WOLFENDEN. Well, Mr. President, I have knowlege of the assistance act, pamphlet laws of 1939.

Mr. HALUSKA. Pamphlet laws of 1939, Mr. President?

Mr. WOLFENDEN. Yes, Mr. President.

Mr. HALUSKA. Mr. President, can the Senator from Indiana state whether or not the Department of Public Assistance has the legal right today to compel a person who received relief two years ago, to sign this reimbursement agreement?

Mr. WOLFENDEN. I can not answer that question, Mr. President; I do not know.

Mr. HALUSKA. Mr. President, the reason I ask these questions is because I and my colleagues here must go back home and every day of my life I have these people that have applied for relief at one time or another come to my office and ask me these questions. I can not answer them and for that reason I brought that matter to this floor. This body passed upon that law and somebody should have knowledge. There are fifty Senators here and certainly somebody should have knowledge and be able to enlighten me so that I will be able to go back home and tell the folks whether what is being done by the Department of Assistance is legal or illegal. Certainly, I do not know.

Is there anybody, Mr. President, in this chamber who might be able to answer my question?

The PRESIDENT. The Chair hears no response.

Mr. HALUSKA. Mr. President, it apparently seems no one cares to talk.

The PRESIDENT. The Chair thinks that is an inquiry that should be addressed to the Attorney General's office or the Department of Public Assistance, to see if they have requested an opinion up to this time, and if there has been such an opinion it can be made public.

Mr. EDMONDS. Mr. President, I do not know that I can answer the inquiry of the gentleman from Cambria, because I can not always catch every word he says; but I got his point. It is perfectly true that at the last session, in 1939, I had on my desk and read to the Senate a letter from the Secretary of Public Assistance, Mr. Russell, and referred to the fact that in 1937, when the original assistance act was passed, it was provided that there should be a calculation, when possible, of the amount that had been paid out for assistance. The Department of Public Assistance inquired from the then Attorney General, whose name I think was Guy Bard, I think he is now a distinguished judge in the federal courts—and Mr. Bard advised them in reply if it was necessary that they circulate this refund notice, of course it was entirely proper for them to do so.

That letter I read to the Senate, I should think, in about March of 1939; and therefore I do happen to know that in 1938, when Mr. Bard was Attorney General, there was an inquiry made by the state board to him and an opinion secured from him as to the legality of the action they were taking.

Mr. HALUSKA. Mr. President, I have no knowledge of any person in this Commonwealth being called upon to sign any such bond up until the time of this new administration. Is there any rule for any such regulation as set forth by the present administration?

Now Mr. President, we find in the Pittsburgh Sun-Telegraph of yesterday that the Department of Public Assistance has made a release stating the state has sixty million dollars stuck in relief clients, they have seized property to the extent of sixty million dollars from relief recipients of our Commonwealth. That is why, Mr. President, I have presented this resolution asking this body to eliminate such a vicious provision in that law, to release thousands of people who through no fault of their own must today apply for relief.

Mr. President, we appropriate monies to all types of agencies, we appropriated three hundred and eighty-five thousand dollars for the World's Fair, we appropriate to the Game Commission, to the Fish Commission, to all types of commissions and ask nothing back, nothing at all; but when we appropriate money to feed our needy, to feed our hungry, at the same time we say to them, because you have a little home, because you have been conservative, we want you to sign this two thousand dollar bond to repay back any monies you have received.

A man on relief is not happy, Mr. President; a man on relief only exists, keeping body and soul together on the meager sum of two, three, five or ten dollars per week, according to the family; and yet we say to him, regardless of what we give you, if you have been conservative, and because you have been, because you have acquired a little home, you must sign this bond so we might be able to take your property. In the same breath, Mr. President, we tell the public drone, the man that cares not for bonds because he has nothing, we say to him, you are not penalized because you have not cared; you have taken no part in civic affairs, you have taken no part in social affairs, you care not for our country; therefore now that you find yourself in need of help, we will give you whatever you require, without paying back anything.

Mr. President, if that is not class legislation, nothing is. How can we encourage people to build further? What inducement do we offer the young man of today? None whatsoever, because we tell him now that if he should build, and must apply for help because of unemployment, we shall take from him what he might build today.

So, Mr. President, I have offered this resolution, asking this body to vote on it favorably, to wipe away that provision where a person who must apply for relief, through no fault of his own, must sign this two thousand dollar bond; and I trust, Mr. President, my colleagues to the right will sincerely think this matter over and vote for this resolution to notify the Department of Public Assistance once and for all to eliminate that provision of that law.

We have not stated in the law that they should sign a bond. The law states the Department of Public Assistance shall have the power to make its own rules and regulations. Under that act they could, if they so cared, take the gold out of your teeth, if you have any teeth—because they have all the legislative powers that anybody could give them.

Now we are asking them to eliminate one of those

rules—the rule of making you, or making me, sign a two thousand dollar bond to repay back any money we receive.

And further, Mr. President—and I doubt whether any of my colleagues have any knowledge of this other point, I think they call it an eviction bond; I know of a case specifically and I am going to outline it very briefly, in my county. I know of many of them, but here is a specific case: a certain gentleman living in the town of Gallitzen, in Cambria County, Pennsylvania, came to my home and told me he has a family of five. Recently one of his daughters married a young man who had a job, but the mines closed down and he lost his job and therefore she was compelled to apply for relief. The investigator came to her home and she said: we have investigated the case of your parents and we have found that your dad is making an income of eighty-three dollars per month, working in another coal mine; and we have also discovered that his budget only requires seventy dollars per month; therefore your dad has a surplus of thirteen dollars per month, and if you, his daughter, will sign this eviction bond, we will sue your father and compel him to turn over that thirteen dollars surplus to maintain you.

Her dad pointed out that he had a property on which he was making payments; that he had an automobile, which he had to buy to drive to work; that he had a daughter going to high school; and that that thirteen dollars over his budget was needed for the things I have mentioned; and the D.P.A. ruled, Mr. President, that that was not a necessity, that despite what he had to do, he had a thirteen dollar balance over his budget, and if she would sign an eviction bond he would be compelled to turn over that thirteen dollars to maintain the other family.

Gentlemen, if you can sit here and uphold a ruling of that kind you can do almost anything. I say to you if you have a heart you will go along and wipe out any such provision. It is not a political measure, it is not a partisan measure; you will all agree we have as many Republicans as Democrats on relief, or vice versa. It does not mean a thing to me personally, I am only fighting the battle because I know it, and you can not, all of you, possibly know of it.

I want to say here, Mr. President, that I conducted one of the first relief investigations in the Commonwealth of Pennsylvania. I spent eleven weeks in the County of Cambria, traveling through the county, trying to find facts so that I might have first hand knowledge of what I was talking about, at my own expense, and I am giving you the benefit of my investigation, I am certain that if you check back in your own communities, gentlemen, you will find the same conditions exist; in your own localities you will find that condition.

How could you turn down, vote down such an important resolution, to give these people back home freedom, freedom from this vicious two thousand dollar bond, and freedom from this vicious eviction bond, where the father is called upon to give away part of his earnings, and sacrifice whatever else he might have in life, just to feed his daughter and her family, just because her husband has no job.

Mr. President, I trust my collegaues on both sides of the House will vote in favor of this resolution.

Mr. WALKER. Mr. President, the gentleman from Cambria well knows I am sympathetic with what he is trying to do, but I think we should keep the record straight. I agree this should be non-partisan and non-political, but it was started under a ruling by a Democratic Attorney General, and bonds were taken prior to the James' Administration, and I think the record should be kept straight on that.

I think the enthusiasm of the gentleman from Cambria got away from his better judgment. This was not started in the James' Administration; it was started prior to the James' Administration.

Secondly, Mr. President, the article in the very famous newspaper quoted by the gentleman from Cambria does not say that they have seized sixty million dollars worth of property. My understanding of the newspaper article is that they have sixty million dollars worth of these bonds.

Now, Mr. President, I am not attempting to quell the enthusiasm of the gentleman from Cambria, I am merely suggesting to him that in this non-partisan dispassionate discussion of a trying situation we should try to keep the records straight.

And the question recurring,

Will the Senate agree to the resolution?

SUSPENSION OF RULE 39

Mr. HALUSKA. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

Mr. WOLFENDEN. Mr. President, I move that the resolution just read be amended to read as follows:

Whereas, The rule or regulation of the Department of Public Assistance requiring relief recipients to execute a bond as a condition precedent to receiving relief has been a [constant] source of [public indignation for years as the requirement has had the effect of penalizing only those citizens of the Commonwealth who heretofore through their industry and thrift managed to become home owners] controversy; and

Whereas, The General Assembly regards home ownership as one of the highest forms of good citizenship and wishes to encourage it in every conceivable manner; [and] therefore be it

[Whereas, The interests of the Commonwealth are adequately and fully protected by existing law, therefore be it]

Resolved (if the House of Representatives concur), That the Secretary of [the Department of] Public Assistance is hereby directed to [discontinue the rule or regulation requiring relief recipients to execute a bond as a condition precedent to qualifying for relief and that henceforth no such requirement shall be made] make a study and investigation of:

(1) The relative advantages and disadvantages to all concerned of the present rule or regulation requiring relief recipients to execute a reimbursement agreement as a condition precedent to qualifying for relief.

Resolved, That the Secretary of Public Assistance shall make a report of such study and investigation to the General Assembly at its next regular session, together with his recommendation, for its guidance on this subject.

Mr. OWLETT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the resolution as amended?

Mr. HALUSKA. Mr. President, I offered my resolution

yesterday again, and the Senator from Tioga asked me to yield for a few hours, to give him sufficient time to prepare a constructive amendment. I now notice the only thing that looks like the original resolution is my name, the balance of the resolution has been wiped out entirely, but my name is still on it. I certainly thought it was very specific and I can see no reason why the gentlemen on the right side of the house should now try to prolong the agony and wait until the next session of the general assembly. I do not see how they can do it.

The condition is upon you. You know down in your own hearts persons have been called upon to sign these bonds. Your own department tells you they have over thirty thousand agreements signed now, they have a potential stake of sixty million dollars worth of property; I should say seized because it does not belong any longer to the original owner; it is now property of the state. Why do you wish to hold this over until next year? I see no reason for it. You either believe in it or you do not believe in it.

This is an important issue, Mr. President. Do not be in a hurry, because I am speaking for many, many thousands of persons who are being affected. This is no party measure, and if you vote on this measure as a party, certainly you are showing the people of this Commonwealth your color, your attitude towards a humane piece of legislation that has been proposed in this session.

Mr. SHAPIRO. Mr. President, I would like to interrogate the Senator from Cambria.

The PRESIDENT. Will the Senator from Cambria permit himself to be interrogated?

Mr. HALUSKA. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman state whether he was consulted before this amendment was offered by the other side?

Mr. HALUSKA. Consulted about the amendment, Mr. President?

Mr. SHAPIRO. Yes, Mr. President.

Mr. HALUSKA. I was informed there would be an amendment, Mr. President.

Mr. SHAPIRO. Mr. President, was the gentleman informed as to the contents of the amendment?

Mr. HALUSKA. Mr. President, I must admit the Senator from Tioga had shown me the amendment.

Mr. SHAPIRO. Was that after it was drawn, Mr. President?

Mr. HALUSKA. After it was drawn, Mr. President; that is right.

Mr. SHAPIRO. Mr. President, I am going to take advantage again, at the expense probably of being charged with taking up too much time, of using this as an illustration of what I have been talking about.

Here is a problem, Mr. President, and everybody on both sides agrees it is a problem, and nobody who wants to view it correctly will say that it should be made—whether it is or not—a political problem. Immediately the resolution is presented, each side begins to jockey for the position which will best suit its own interests; and if in the course of a conversation the gentleman from Luzerne says it was the James Administration, then somebody on the other side finds it necessary to say it was not the James Administration, it was the Earle Administration; but it still remains a problem and that does not solve the problem. If it is a problem in which both sides are concerned, why should the amendment, if it is a good amendment, if it will help solve the problem, why should there not be a conference between both sides of the house, with a view of arriving at some method that will satisfy all parties concerned and still help the situation, not merely satisfy me or the gentleman from Cambria for political purposes, but do something which will either correct or approach an effort to correct it?

But no, Mr. President, that does not happen. If I wanted to be technical—and I do not propose to be—I could call to the attention of the Senator from Tioga the fact that this amendment is improper and invalid and can not be received because it is not germane to and destroys the original intent of the first resolution.

The original resolution was that there should be a discontinuance of the bond. The amendment is that there shall be an investigation, investigating the matter.

Now, Mr. President, I am not going to make that motion, because I am tired of getting into these technicalities on these problems which are essential and important, but I want to take advantage of this opportunity to clarify something that has been said.

It has been called to my attention that I gave the impression, probably inadverently, that all this relief money—that was the first reaction I got—was spent and the responsibility should be laid at the door of the James Administration. That was not my intention. What I want to take advantage of this opportunity to point out is this: in 1931-33 relief cost the Commonwealth thirty-two million dollars; in 1933-35 it cost sixty-five million dollars; in 1935-37 it cost one hundred and sixty some odd millions of dollars; and in 1937-39 it cost one hundred ninety-six million dollars.

What I also want to point out, Mr. President, is that when I told you four hundred and ninety-four million dollars I did not mean that was the budget last year; I meant that when you meet in January 1941 to prepare a two-year budget, the first thing will be you must provide relief, for one year only, of two hundred ninety-four million dollars, plus two hundred millions for the budget expenses for two years; but you have to add to that another one hundred and forty million dollars for the second year of relief, which gives you a budget for 1941-43 of six hundred thirty-four million dollars, as against three hundred and seventy-two million dollars in this budget.

That is what I tried to point out and with that confronting us we stand here and argue about the fact that a law was passed, a ruling was made, that people who are recipient of relief should, when they have the money—that was the intention of everybody and I think everybody agrees—when they are in a position to repay they should repay that money. In principle that is sound and should be done.

Now, the trouble arises from the fact the Attorney General—whether he was a Republican or Democrat is immaterial, I am sure he gave his honest opinion about it—said it is the duty of the Department of Public Assistance to enforce the collection of these monies where the situation required it.

Now, Mr. President, the Department of Public Assistance does not seem to have any discretion in the matter; apparently it is afraid it will be charged by some Republican or by some Democrat, administration depending upon who is in power, that it has been derelict in conforming, carrying out its duties. So, having no discre-

tion, it proceeds to conform generally and when it does that it works hardships in indivdual cases.

My distinguished colleague the gentleman from Cambria, his particular county has found this thing has worked tremendous hardships, and I am assuming that the board in the county is trying to correct the hardships and is doing real work.

Mr. President, does it mean that this body of fifty men should spend their time jockeying for position on this question? The gentleman from Cambria says we do not see eye to eye. These people should be told either of these two things: in plain language it is our opinion if you have money, and when you have money, and when you are able to pay back that which the Commonwealth gave you, it ought to be paid back, to be used for someone else in an unfortunate position; at the same time, these people should be told that even will be done without working a hardship on them.

Mr. President, if we can find language and ways of doing that and give assurance of accomplishing that we ought to do it; and if the fifty men here can not do that they ought to quit.

Mr. EALY. Mr. President, I certainly agree that this matter of relief should not be a political proposition. Someone has said, in effect, that consistency is the bane of small minds. If the converse of that is true, and those that are inconsistent have great minds, then certainly our friends on the other side are giants of intellect. They have denounced the financial plan of Governor James—and I want to say I have no quarrel with that—but no one has proposed any plan to take its place; and it is agreed by all we can not, in the short time here before the next session, find anything better than what has been proposed. For those men to denounce this financial plan because it is going to pile up a debt perhaps, which we have to take care of in the next administration, and at the same time stand here and praise the federal administration for their throwing all financial principles to the wind, seems to me the height of inconsistency.

The gentleman from Allegheny, Mr. McGinnis, gave his oration on the President of the United States—the same one he has given periodically for the last four, five or six years. It sounds all right to the galleries and to his constituents, but when we consider that all economics, all principles of finance, have been disregarded by the federal government, I do not see how he can stand up and in one breath denounce our plan—or the plan of Governor James, not my plan—and approve the other.

Mr. President, the laws of economics are just as inexorable as death. There was an old French saying that the printing press, for printing money, and the guillotine go hand in hand, the one is a complement of the other; and when this federal administration has piled up a debt of forty-five billions of dollars, in the face of approaching war, it is almost criminal.

Now, Mr. President, these men are inconsistent in other ways. They have denounced on the part of the Republicans the very things which they advocated and supported in prior sessions of this legislature. They are insistent in their action here in this present session of the legislature; on the one hand they are trying to cut down expenses; on the other hand they are trying to defeat the very thing which would cut down relief expenses.

This relief load is a terrible drain on the State of Pennsylvania, and one thing which is helping to reduce it is this bond which has been required. Mr. Johnson, who was the head of the relief administration in Pennsylvania, was a good man, but this undercover bureaucratic system of relief, with its filing case system, with its so-called social welfare complex, which takes the money from one fellow, who makes it, and gives it to another, so the first fellow, stripped of money, will become a pauper too, was too much for Mr. Johnson.

The present executive of this relief department is a good man and he is trying to do the best he can; but this system is too much for him, and it is going to overcome him too.

Mr. President, I have been pleading here with the members of the Senate, on the Democratic side and the Republican side, for the last ten years to get rid of this system of relief, to decentralize it; but I have not gotten very much co-operation from anybody in doing that, although we all feel that is what should be done.

The Mormon Church takes care of its own poor. If we would take a county like Lancaster County, for instance, and put a fence around that county, and take the surplus fruits and crops, you could so manage that no one miss a meal or need for anything.

I have a paper here which seems to be gotten out by the Department of Public Assistance, and while the average case load, or the average load of persons who are on relief, seems to be decreasing yet there is this significant statement in this report: that during the year past, the year 1939, there were 1,711,000 different men and women who were on relief. That is, at one time or another during this year 1939 just passed, one-sixth of the people of this state have asked for relief and have received relief.

There is something wrong with that surely, in this great state of Pennsylvania, this wonderful mineral state, this wonderful agricultural state, this wonderful industrial state, that one-sixth of the people of this state were on relief, one time or another, during the year 1939; and that does not take in all of them. I do not think that includes a lot of men on W.P.A. and other work and on other forms of assistance. There is something terribly wrong with that kind of assistance.

Mr. EDMONDS. It does, Mr. President; it includes W.P.A.

Mr. EALY. Mr. President, the gentleman from Montgomery tells me that that includes W.P.A.; the Senator from Philadelphia, Mr. Shapiro, shakes his head, so I do not know whether it does or does not. Those are the figures in this report.

Now, Mr. President, it seems to me that no one, no honest person, who wants to give service, who wants to get along, who has some property, should object to this so called bond, because it does not interfere with him at all, it does not interfere with any of his property; he is allowed to live on his property. It only prevents him from giving away what he has no right to give away. If he is honest, he should not object to this bond or anything that will act as a deterrent, to prevent the relief rolls from mounting higher and higher.

The executive director in my county, who has been in office for over a year—he is a Democrat—has accustomed himself to these conditions, and he tells me this bond is a valuable thing to keep people off relief who should not be on relief.

Now, Mr. President, are we going to throw away the

one thing that is helping us to keep down these relief rolls? I can understand the opposition to this bond from any person who wants to be honest and fair about this thing. I would be perfectly willing to vote down this resolution entirely, but it seems to me, with this amendment in it, if it is as important a thing as the Senator says, we should not take snap judgment. It was a matter approved by the Attorney General under the Democratic administration, and it was approved, apparently, by the Attorney General of this administration. Now, are we going to say it is going to be wiped out? Personally I do not think the resolution will have any effect; unless we pass a law here to eliminate this bond, a resolution will not have any effect; but it encourages fellows who have no business to be on the relief rolls to get relief, and I say if we vote for anything of this nature, certainly we should vote for this amendment to this resolution.

Mr. DENT. Mr. President, I did not want to enter into this discussion; we are all rather wind-weary after this week's strenuous exercises. However, it is important the other points of view be brought out in answer to the statements by my distinguished colleague from the neighboring county of Somerset.

Mr. President, the gentleman from Somerset says this is an equitable and fair proposition. I take an opposite viewpoint. I do not know whether you have realized it or not, but the vast majority of the ordinary people of the State of Pennsylvania pass on as a heritage to their families, to their children, only one thing and that is the homestead. They do not pass on a lot of money, they do not give their children great wealth, but they give them something that has been in the family for generations—a household, a homestead.

Under this law, Mr. President, if the economic conditions of this state remain as they are, and unless they improve a great deal, a great many homes are going to pass from the hands of families that have had them for generations, and become the property of the state.

It is unfair not only for that reason but it is also unfair, as the gentleman from Cambria pointed out, that the bum, the tramp, the man that was not thrifty, the man that spent every nickel he had on dissipation, becomes a ward of the state, he gets everything he wants to take care of himself or whatever dependents he may have, and does not have to pay anything back.

The people of Pennsylvania are paying the tax. This tax is specifically raised in order to help the needy. There is no right on the part of the State of Pennsylvania to say to its taxpayers, you are helping the needy, but we, the state government, will take that money at some future date as our own. That money does not belong to the State of Pennsylvania, it belongs to the needy persons, and I as a taxpayer am willing to pay my share of that tax, and thank the Lord above I am on the paying end and not on the receiving end.

I want to say to you gentlemen that this question has been up before and I want to say you Republicans lack the courage to face the issue; for in 1939, when I first presented a resolution pertaining to this bond, the Republican side pickled my resolution and brought out a fake resolution purporting to do the very thing I tried to do.

The gentleman from Allegheny, Senator Walker, in an interview in Pittsburgh, stated it was his opinion that a resolution had been passed by this Senate which eliminated the necessity of signing bonds. It was my opinion also we had done exactly that, but we find that resolution did not do that, just as these amendments now destroy the intent of the resolution of the gentleman from Cambria. Your amendments nullify whatever good or bad, we may say, that this resolution originally started out to do.

In the first place, if you have the courage, then stand up and say you think this bond is a good thing. I admire the Senator from Somerset, who stands up and says the bond is a good thing. I say it is not, and I want to vote clearly on that issue; I do not want to vote on the issue you now bring before me with this amendment.

You are fooling not only yourselves but you are fooling the people of Pennsylvania, because this is not a bond resolution any more; it is a fake resolution. All you say to the people—you want the impression to get out and by the way, with control of the news agencies in this state, probably the impression will be put out—you have passed a resolution relieving the people from the necessity of signing the bond; but you are doing no such thing, you are only saying investigate. Investigate what, Mr. President? The question is pure and simple. Do you believe the persons who through no fault of their own are applying for relief must make restitution to the state of Pennsylvania for what relief they receive? I ask the good Senator from Northumberland, Dr. Deitrick, to get a copy of this bond these relief recipients must sign. How many of you men know what is contained in that bond; how many of you realize how definitely it ties up not only the relief recipient but unborn children of families that are on relief? You are going back to colonial days and creating a class of people in the State of Pennsylvania known as bond slaves; they and their children and their children's children, so long as they have not satisfied that obligation, as it were, the State of Pennsylvania will always have that lien against them. That is the truth, and I want to say here now that nowhere in the act of 1937 can any attorney show me where the Democratic Legislature passed an act requiring that.

I want to say to you the only thing contained in that law is a provision which makes it possible for the Department of Public Assistance to garner in the chiselers and take from them the amount they might have received under false pretense; and that is the one point we are all agreed upon. Nobody expects the chiseler to get relief from the State of Pennsylvania, and no person wants him to get it.

Mr. President, I know families in my district that have had no employed person for six or seven years; I know lads in those families who have grown upon from the age of twelve and are now nineteen or twenty and they have never owned a suit of clothes.

I want to say to you, Mr. President, this problem is a serious problem. Certainly your relief load is going up. You talk about the saving you have made, but it is not reflected anywhere in the reports of the Department of Public Assistance, nor is it reflected in your appropriated amounts, over the total amount we have appropriated under Governor James. According to stories that have been printed thirty-three millions of dollars have been saved in the relief administration. Where is it reflected in the total appropriation?

According to reports printed in the Saturday Evening

Post and a few other favored magazines and news agencies of the present administration we find that job mobilization is supposed to create ninety thousand jobs. If it had created ninety thousand jobs we would not be in special session raising a new relief levy, and you are faking about that the same as you are faking about this. I have always been taught to call a spade a spade and when a thing looks like a spade to me I want to be corrected if I am wrong. I say the proper position for you to take is whether you are for or against this bond requirement. Don't mutilate a resolution with amendments which destroy the intent of the resolution. I am willing to vote on the proposition as it is; I am willing to stand here and defend my position in the matter; but I am not willing to vote on a fake proposition, for after it is all over you have not voted your convictions one way or the other, you are only doing what the Governor is doing by his own admission, you are just putting the day off until you meet the inevitable.

Mr. President, I want to say the bond is un-American, unfair to decent honest American citizens, thrown out of industry because of the economic conditions in our great Commonwealth; and the first thing you have got to do, to be fair to those people, is to create the jobs you promised them when you ran for office in 1938 in your state-wide platform. The first thing you have got to do is to keep your promise of what you said you were going to do. That is all I can see and my eyes are still bright enough to see.

You are only repeating the so-called mistakes you called to our attention during the four years I have been down here. You have not changed anything at all. You may have changed the way you say it, but you have not changed the way we did it.

I want to say, gentlemen, that this proposition is one that should be called a partisan issue, if you so desire. I will say, bring it out here in the open, where we can see exactly what it is. Do you or do you not believe in bond requirements for indigent persons? Do you or do you not believe that is a proper governmental proposition? If you do, then vote for the original resolution or against it. Let's face the issue, but do not becloud the issue with fake amendments.

You are doing what you did in 1939; you are fooling yourselves and you are fooling the innocent people of Pennsylvania who have signed away their homesteads in order to be able to eat, and signed away the future welfare of unborn children in order that they can eat. Give them a job, as you promised you would in your platform and billboards all over Pennsylvania, where you said relief for those who need it, and jobs for those who want them; and if you do not have enough people who want jobs come out to my county, where 99.6 per cent of those on relief are willing to take jobs. They are not chiselers, they are not loafers, they are not slackers, but unfortunate American citizens who can not obtain work; they are not, like we fifty men in this Senate, on the state payroll.

Gentlemen, I ask you to vote for the issue as it really is, and not as you want it to be.

Mr. FULTON. Mr. President, in order to show this is a non-partisan matter, I am in favor of the resolution as it was submitted; and I therefore must disagree with the Senator from Somerset when he says no fair minded person can vote for it.

Mr. President, I do not intend to make a speech, but I will give expression to my position as to how I feel on relief. I disagree with the Senator from Westmoreland that everybody that disagrees with him is un-American. I do not think that is the principle. I think there is a fundamental difference on how you attack this relief problem. In handing relief out to them you can either force people off relief through making it so uncomfortable to be on relief no one wants to be on it, nor else make it direct and help them get on it, and you can help your local community to do that. You can take off the penalty if they do odd jobs—they will not be penalized on relief; and I am very much in favor of doing that.

In the second place, Mr. President, I must disagree with the Senator from Philadelphia, Mr. Shapiro, on this. I think we ought to have less snooping and less checking on these reliefers. I think by the time they have been examined by federal department field investigators, and then by state department investigators under the Department of Public Assistance, and then by field investigators from the Department of the Auditor General, and then on top of that there is some kind of a census investigation, you have the door opened pretty many times, if you are going to preserve the American system.

Mr. President, I think the next thing we should do is to look forward in the next session to cutting down the cost of distribution of relief—overhead. I have voted for the bill reducing the Auditor General's Department by fifty thousand dollars for that purpose. I think it is useless investigation.

I think you must also cut these general adminstration costs down in order to avoid a bureaucracy that is merely for the purpose of maintaining itself rather than for the purpose of eliminating relief.

In the third place, Mr. President, I think we ought to eliminate any duty of any reliefer to go in against any other person in his family. I think that any requirement of the department to go in and bring a court action against some blood relative or relative by marriage is undemocratic and should be eliminated. Of course, I realize under this special call we can not do that, but I think it is one of the issues to be raised in the next session.

Might I say I think your chiselers are there on relief, and I think the one who are there should be ripped out. I also think the ones not entitled to relief should clearly be taken off. You can do that under your own board, but you must get efficient action from your board of assistance.

In conclusion, Mr. President, I also want to say, when the Senator from Somerset, Mr. Ealy, says there is one person out of six in need of relief, we should not forget our economic system here is an economic sytem which takes care of eighty-four out of every hundred, and any system with a eighty-four per cent majority is a pretty darn good system to me.

Mr. HALUSKA. Mr. President, I do not intend to hold this up much longer. When I first presented this resolution it was presented in good faith. I tried to put before this body my viewpoint on this bond issue. I was told by my colleague from Tioga, as I mentioned before, that he would offer constructive amendments.

## APPEAL TO THE CHAIR FOR PARLIAMENTARY RULING

Mr. HALUSKA. Now, Mr. President, I am going to appeal to the Chair for a ruling on this amendment. I do not think it is fair to make mockery of my resolution; in fact, I will not stand back idly and see anybody get

away with that. And my colleague from Tioga knows it is mockery.

On page 11 of the Senate Rules Amendment 18 states: "No amendment shall be received by the President which destroys the general sense of the original section, ....." Therefore, I appeal to you, Mr. President, for a ruling on the amendment to my resolution.

The PRESIDENT. The Chair anticipated the inquiry, and must rule that the point is not well taken, because the amendment refers to bills, as the Senator will note at the top of the page; it does not refer to resolutions at all; and the Chair fails to find any rule that would prohibit an amendment of this kind.

Mr. HALUSKA. Mr. President, at the top of the page it says "Senate Rules".

The PRESIDENT. If the Senator will read the rule carefully he will find it refers to bills. That provision is practically the same as is in the Constitution and refers to bills.

Mr. HALUSKA. Am I to assume, Mr. President, that we have no rules governing amendments to resolutions? Is that correct?

The PRESIDENT. As far as the Chair can ascertain—and he has made inquiry of the Speaker of the House and others who should know—he fails to find any.

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Tioga.

The PRESIDENT. Will the Senator from Tioga permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. HALUSKA. Mr. President, can the Senator from Tioga tell me whether or not we have any rule with reference to offering amendments to Senate resolutions?

Mr. OWLETT. Mr. President, I think the Senator from Cambria has the same rules I have available and I would say from that there is no rule with reference to amendments to resolutions of the Senate.

I might add however, Mr. President, that in my judgment this does not destroy the purpose of the original resolution. This original resolution of the Senator from Cambria called upon the department of rules to abolish the use of these bonds. This resolution is on the same subject matter, but instead of calling upon them to stop the use of the bonds they call upon them to investigate the relative advantages and disadvantages concerned, and report to the next session of the legislature. Now. Mr. President, I submit that is the same subject matter, and it is an amendment that is germane to the original resolution; and even if there was a rule on it, the motion of the Senator from Cambria would not prevail.

REQUEST FOR RULING BY THE CHAIR

Mr. HALUSKA. Mr. President, in answer to the remarks made by the Senator from Tioga, I think he is wrong. I think we should vote on my original resolution and then, if it is defeated, it is up to him, if he so desires to offer a resolution to create an investigation of this situation. Certainly there must be a difference between a resolution creating an investigation and a resolution stopping a certain condition. Therefore, Mr. President, I ask the Chair to rule on that remark.

I am asking the Chair for a ruling with regard to the remarks made by the Senator from Tioga as to whether or not his amendment destroys the original intent of my resolution.

The PRESIDENT. The Chair can not interpret a statement of that kind. The Senator from Tioga expressed an opinion, and the Senator from Cambria has expressed his opinion. The Chair is not an umpire to determine anything of that kind.

The point is raised by the Senator from Cambria that rule eighteen applies to resolutions the same as to bills. The Chair has ruled against that.

The Chair might add, if he were disposing of this matter he would have taken a different course; but he is not on the floor of the Senate. The Senate, in the opinion of the Chair, can do as it sees fit with a majority unless a two-thirds vote is required.

Mr. EDMONDS. Mr. President and members of this Senate, through the courtesy of the President Pro Tempore, the Senator from Susquehanna, Mr. Gelder, I have in my hand a copy of the Legislative Journal for Tuesday, April 4, 1939, which contains a letter from Secretary Russell, to which I referred a moment or two ago.

Mr. President, I do not want to read this letter again; it has been read already in the presence of the Senate; but I simply want to call attention to the stages through which this controversy has passed.

Act No. 397, passed by the 1937 Legislature contains the following section:

"The real and personal property of any indigent person shall be liable for the expenses of his support, maintenance, assistance and burial, incurred by any public body or public agency, whether owned at the time such expenses were incurred or acquired thereafter. Any public body or public agency may sue for moneys so expended, and any judgment obtained shall be a lien upon the real estate of such indigent person, and be collected as other judgments."

That act was passed in 1937. The State Board of Assistance appointed pursuant thereto had some doubt as to whether or not it was permissive for them to endeavor to enforce these claims as mandatory. That question was finally submitted December 1, 1938, to the Attorney General. At that time the State Board of Assistance had adopted a program of bonds, or a form of bond, and all that sort of thing, and they referred it then to the Attorney General as to whether or not it was mandatory upon them. I see that that opinion, although it is signed by Attorney General Guy K. Bard, was received January 16, 1939, and in that opinion he decided that under the terms of the act it was mandatory, they had no discretion as to endeavoring to attempt to collect, they must collect if it was a collectible claim.

Now, Mr. President, that opinion has been concurred in by the present Attorney General.

At that time, and in this letter, Secretary Russell suggested that there might be some relaxation upon this question, and he made a suggestion that was afterward embodied in our act of 1939, page 311, where we added this proviso: "except as to the real and personal property comprising the home and furnishings of such indigent persons, which home shall be subject to the lien of such judgment, but shall not be subject to execution on such judgment during the lifetime of the indigent person. his surviving spouse or dependent children".

That is now the law of the state, and was put in as the

result of this discussion, the opinion of the Attorney General and the recommendation of Secretary Russell.

Mr. President, I confess personally I would like to know more on this subject and frankly, I would like to get it from the Department of Public Assistance. I think this suggestion that has come from the gentleman from Indiana is a very proper and helpful suggestion. Here we are face to face with a suggestion whereby they are trying to amend the law of 1937 by a resolution. That seems to involve a lost cause. It ought not to be attempted in that way. There ought to be an investigation and report made. I would like to know, personally, how many cases of this kind there are. I would like to know whether or not there is any justification for applying here the old-fashioned principle of a certain exemption which we apply in the case of death exemptions at the present time and in the case of a widow is exemption in the settlement of an estate. I would like to know things of that kind, and we must get information through the collating of our records, and I think the proper way to do it is through the method suggested by the gentleman from Indiana.

Just a word on another subject, Mr. President. I listened to the Senator from Somerset with a great deal of appreciation and respect, as I always do whenever he speaks. I think these figures will be interesting to the members of this Senate. The highest month for general assistance in Pennsylvania was August of 1939, and the total then was $9,220,851. Compare that with April, 1940, which was $5,845,000. That is the decline that has come in nine months in the general assistance figures. If that line of decline should continue and be carried on for the remainder of the biennium, we will not be in such a terrible situation as the gentleman from Philadelphia foresaw.

This is only general assistance. When you come to special assistance, the categories, old age pensions, mothers, dependent children, pensions for the blind, they have increased in the same period from $3,128,000 to $3,750,000. But, Mr. President, there is an asset to consider with that, which I did not notice referred to although it may have been my hearing that was at fault. I did not notice in the figures given by the Senator from Philadelphia the million five hundred thousand per month which is paid in by the federal government on these special categories.

The number of those that were on general assistance, Mr. President, not the number of cases but the number of individuals in April of 1940 was 595,000, as compared with the larger figures that the Senator from Somerset referred to. It looks to me as if we can safely say, considering this and considering W.P.A., that whereas when we met last seventeen per cent of the people of Pennsylvania were on some form of relief, I doubt now whether it is higher than ten per cent; and my own feeling is with that curve down to the degree to which I have already called your attention, if that curve should be continued that is a hopeful sign on the horizon as we look ahead.

On this question the Senator from Cambria has brought to our attention, personally I want light on that subject; and the resoltion of the Senator from Indiana will bring it to us.

Mr. HALUSKA. Mr. President, I should like to call attention to the law again, section four, stating the following:

"The real and personal property of any indigent person shall be liable for the expenses of his support, maintenance, assistance and burial, incurred by any public body or public agency, if such property was owned during the time such expenses were incurred....."

Mr. President, my first remark this afternoon was that persons who received relief in the year 1937 and the year 1938, and had no property but have acquired property since that date, are now called upon to sign this reimbursement bond creating a lien against their property for the money they received during 1937 and 1938, and we have amended that law, stating they must have owned the property at the time relief was obtained. Therefore there is no argument. Why can you gentlemen not go along and assure those people that they have no right to sign that bond because the law so states?

Mr. EDMONDS. Mr. President, I desire to interrogate the Senator from Cambria.

The PRESIDENT. Will the Senator from Cambria permit himself to be interrogated?

Mr. HALUSKA. I will, Mr. President.

Mr. EDMONDS. Mr. President, does the Senator from Cambria object to a man who has received relief from the state paying it back if afterward he acquired property?

Mr. HALUSKA. But the law was amended, Mr. President, and I recall the amendment, 1939 pamphlet laws, where we all agreed a man who received—I will read it again: "if such property was owned during the time such expenses were incurred....."

Mr. EDMONDS. Mr. President, I put it to the Senator from Cambria as a question of morals, leaving out the law. If a man afterward acquired property, does the Senator object to that man paying that debt?

Mr. HALUSKA. If he can afford it, Mr. President. Having property is no sign of having money or being able to make a living.

Mr. EDMONDS. Mr. President, who is going to judge whether or not he can afford it?

Mr. HALUSKA. Mr. President, this body can judge it.

For the information of the Senator from Montgomery, I can point out persons in my county who have been called upon to sign this bond but who, fearful of that lien have deprived themselves of the necessities of life. I know one case where an old lady sold her carpets and had to have newspapers on the floor to enable her to live as long as she might before she is compelled to sign away that property. I know of a case where another man sold the boiler out of his home for a small sum to obtain a little money to live, before he was compelled to sign away his home. And then we point out yes, they will get along if we compel them to sign away the property, they will get along. But what price glory? Get along at what expense?

Certainly, Mr. President, I think the gentlemen on the right should restore this original resolution and then vote either "yes" or "no" and give us an opportunity to tell the public back home how this body feels in so far as signing that bond is concerned.

And the question recurring,

Will the Senate agree to the resolution as amended?

The yeas and nays were required by Mr. HALUSKA and were as follows, viz:

YEAS—25

| | | | |
|---|---|---|---|
| Bartlett, | Gelder, | Letzler, | Snowden, |
| Chapman, | Geltz, | Mallery, | Stevenson, |
| Crowe, | Heyburn, | Miller, | Tallman, |
| Deitrick, | Homsher, | Owlett, | Thomas, |
| Ealy, | James, | Pierson, | Wolfenden, |
| Edmonds, | Kephart, | Scarlett, | Woodward, |
| Farrell, | | | |

NAYS—22

| | | | |
|---|---|---|---|
| Coleman, | Fulton, | McCreesh, | Ruth, |
| Dando, | Haluska, | McGinnis, | Shapiro, |
| Dent, | Jacobs, | Mundy, | Sipe, |
| DiSilvestro, | Jaspan, | Reed, | Stiefel, |
| Eroe, | Kunkel, | Rice, | Walker, |
| Frey, | Lanius, | | |

So the question was determined in the affirmative.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

## BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 2, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 4, entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money

House Bill No. 5, entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 6, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund; and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 7, entitled:

An Act to amend the act, approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-three), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with the General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or its projects", by reducing the amount appropriated.

House Bill No. 8, entitled:

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

House Bill No. 9, entitled:

An Act to amend the act, approved the ninth day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two), entitled "An act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects", by reducing the amount appropriated.

House Bill No. 11, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled May sixth, one thousand nine hundred forty, in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth, one thousand nine hundred forty.

House Bill No. 12, entitled:

An Act making an appropriation to aid certain school districts.

House Bill No. 16, entitled:

An Act to further amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled "An act relating to public assistance; providing for and regulating assistance; to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

Whereupon,

The President (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

## BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 16, (House Bill No. 13), as follows:

An Act to amend Clause (u) of section four of the act approved the fifth day of December one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven page two thousand eight hundred ninety-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payroll; to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by redefining for certain purposes of the act the term "wages"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (u) of section four of the act approved the fifth day of December one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven page two thousand eight hundred ninety-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" is hereby amended to read as follows

(u) "Wages" means all remuneration for employment including the cash value of all remuneration paid in any medium other than cash except that the term "wages" as used in sections three hundred one and three hundred two of this act shall not include

(1) That part of the remuneration which after remuneration equal to three thousand dollars ($3,000) has been paid or becomes payable to an individual by an employer with respect to employment during or for any calendar year is paid or becomes payable to such individual by such employer with respect to employment during the calendar year one thousand nine hundred forty and during each calendar year thereafter

(2) The amount of any payment made to or on behalf of an employe under a plan or system established by an employer which makes provision for his employes generally or for a class or classes of his employes (including any amount paid by an employer for insurance or annunities or into a fund to provide for any such payment) on account of (A) retirement or (B) sickness or accident disability or (C) medical and hospitalization expenses in connection with sickness or accident disability or (D) death provided the employe (I) has not the option to receive instead of provision for such death benefit any part of such payment or if such death benefit is insured any part of the premiums (or contributions to premiums) paid by his employer and (II) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefit to assign such benefit or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer

(3) The payment by an employer (without deduction from remuneration of the employe) of the tax imposed upon an employe under section one thousand four hundred (1400) of the Federal Internal Revenue Code

(4) Dismissal payments which the employer is not legally required to make.

Section 2 This act shall become effective immediately upon its final enactment and shall be retroactive to the first day of January one thousand nine hundred forty

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Lanius, | Scarlett, |
| Chapman, | Fulton, | Letzler, | Shapiro, |
| Coleman, | Gelder, | Mallery, | Sipe, |
| Crowe, | Geltz, | McCreesh, | Snowden, |
| Dando, | Haluska, | McGinnis, | Stevenson, |
| Deitrick, | Heyburn, | Miller, | Stiefel, |
| Dent, | Homsher, | Mundy, | Tallman, |
| DiSilvestro, | Jacobs, | Owlett, | Thomas, |
| Ealy, | James, | Pierson, | Walker, |
| Edmonds, | Jaspan, | Reed, | Wolfenden, |
| Eroe, | Kephart, | Rice, | Woodward, |
| Farrell, | Kunkel, | Ruth, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 18, (House Bill No. 15), as follows:

An Act to amend section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the filling of vacancies occurring in either house of the General Assembly whether or not it be in session at the time of the happening of such vacancies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 628 Special Elections for Senator and Representative in the General Assembly Whenever a vacancy shall occur in either house of the General Assembly whether or not it then be in session the presiding officer of such house shall issue within ten days after the happening of said vacancy a writ of election to the proper county board or boards of election and to the Secretary of the Commonwealth for a special election to fill said vacancy which election shall be held on a date named in the writ which shall be not less than thirty (30) days after the issuance of said writ The presiding officer may fix in such writ of election the date of the next ensuing primary municipal or general election as the date for holding any such special election Provided however That should the Governor after the issuance of the said writ of election advise the presiding officer that the General Assembly will be called into extraordinary session prior to the date set for such special election the presiding officer may countermand the writ theretofore issued and shall issue a new writ of election fixing therein such earlier date therefor as is deemed expedient but which shall not be less than thirty (30) days after the issuance of said writ

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Lanius, | Scarlett, |
| Chapman, | Fulton, | Letzler, | Shapiro, |
| Coleman, | Gelder, | Mallery, | Sipe, |
| Crowe, | Geltz, | McCreesh, | Snowden, |
| Dando, | Haluska, | McGinnis, | Stevenson, |
| Deitrick, | Heyburn, | Miller, | Stiefel, |
| Dent, | Homsher, | Mundy, | Tallman, |
| DiSilvestro, | Jacobs, | Owlett, | Thomas, |
| Ealy, | James, | Pierson, | Walker, |
| Edmonds, | Jaspan, | Reed, | Wolfenden, |
| Eroe, | Kephart, | Rice, | Woodward, |
| Farrell, | Kunkel, | Ruth, | |

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

## BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 20, (House Bill No. 22), as follows:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and from a point at or near Irwin in Westmoreland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of Ohio and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from the tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Pennsylvania Turnpike Extension Act"

Section 2 In order to facilitate vehicular traffic between the Eastern and Western sections of the Commonwealth the Pennsylvania Turnpike Commission heretofore created by virtue of the provisions of the act approved the twenty-first day of May 1937 Pamphlet Laws 774 is hereby authorized and empowered to construct operate and maintain a turnpike at such location as shall be approved by the Department of Highways from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and from a point at or near Irwin Westmoreland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of Ohio together with connection roads tunnels and bridges and to issue turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such construction

Section 3 The turnpike revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth but such bonds shall be payable exclusively from the fund herein provided therefor from tolls All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds The issuance of turnpike revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment

Section 4 Definitions The following words and terms shall have the following meanings

(a) The word "commission" shall mean the Pennsylvania Turnpike Commission heretofore created by the act approved the twenty-first day of May 1937 Pamphlet Laws 774 or if said commission shall be abolished any board commission or officer succeeding to the principal functions thereof or upon whom the powers and functions given by them shall be given by law

(b) The word "owner" shall include all individuals copartnerships associations or corporations having any title or interest in any property rights easements or franchises authorized to be acquired by this act

(c) The words "the turnpike" shall mean the turnpike to be constructed as hereinafter provided from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and from a point at or near Irwin in Westmoreland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of Ohio and shall be deemed to include not only the turnpike and all connecting roads tunnels and bridges connected therewith but also all property rights easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof

(d) The term "cost of the Turnpike" shall embrace the cost of constructing the turnpike and all connecting roads tunnels and bridges the cost of all lands property rights rights of way easements and franchises acquired which are deemed necessary or convenient for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for one year after completion of construction cost of traffic estimates and of engineering and legal expenses plan specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative and legal expense and such other expenses as may be necessary or incident to the financing herein authorized the construction of the turnpike and connecting roads tunnels and bridges the placing of the same in operation and the condemnation of property necessary for such construction and operation Any obligation or expense contracted for by the commission with the Department of Highways of the Commonwealth of Pennsylvania or with the United States or any agency thereof for traffic surveys preparation of plans and specifications supervision of construction and other engineering administrative and legal services and expenses in connection with the construction of the turnpike or any of the connecting roads tunnels and bridges shall be regarded as a part of the cost of the turnpike and shall be reimbursed or paid out of the proceeds of the turnpike revenue bonds hereinafter authorized

Section 5 The exercise by the commission of the powers conferred by this act in the construction operation and

maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth

Section 6 The commission shall have the following powers and duties

(a) It shall maintain a principal office at such place as shall be designated by the commission

(b) The commission may contract and be contracted with in its own name

(c) The commission may sue and be sued in its own name plead and be impleaded provided however that any and all actions at law or in equity against the commission shall be brought only in the proper courts at the county of Dauphin

(d) The commission shall have an official seal

(e) The commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire own use hire lease operate and dispose of personal property real property and interests in real property and to make and enter all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act and to employ engineering traffic architectural and construction experts and inspectors and attorneys and such other employes as may in its judgment be necessary and fix their compensation Provided however That all contracts and agreements relating to the construction of the turnpike and connecting roads tunnels and bridges shall be approved by the Department of Highways and the turnpike and connecting roads tunnels and bridges shall be constructed under the supervision of the Department of Highways

(f) The turnpike when completed and opened to traffic shall be maintained and repaired by and under the control of the commission through the Department of Highways of the Commonwealth and all charges and costs for such maintenance and repairs actually expended by said Department of Highways shall be paid to it by the commission upon certification thereof out of tolls Such turnpike shall also be policed and operated by such force of police tolltakers and other operating employes as the commission may in its discretion employ

(g) The commission shall have authority at its own cost to provide grade separations with respect to all public roads and State highways intersected by the turnpike and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation Provided however that the damages incurred in changing and adjusting the lines and grades of such public roads and State highways shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike The plan of such changes of the lines and grades of public roads shall be subject to the approval of the supervisors of the proper township and in the case of State highways subject to the approval of the Department of Highways

(h) If the commission shall find it necessary to change the site of any portion of any State highway or public road it shall cause the same to be reconstructed and restored forthwith at the commission's own proper expense on the most favorable location and in as satisfactory a manner as the original road Provided that the damages incurred in changing the location of any such road or State highway shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike The plan of such reconstruction and restoration shall be subject to the approval of the supervisors of the proper township and in the case of a State highway subject to the approval of the Department of Highways

(i) The commission shall have authority to petition the Court of Quarter Sessions of the county wherein is situate any public road or part thereof affected by the location therein of the turnpike for the vacation relocation or supply of the same or any part thereof with the same force and effect as is now given by existing laws to the inhabitants of any township of such county and the proceedings upon such petition whether it be for the appointment of viewers or otherwise shall be the same as provided by existing law for similar proceedings upon such petitions

(j) The commission shall otherwise have all of the powers and perform all of the duties prescribed by the act approved the twenty-first day of May 1937 Pamphlet Laws 774

(k) All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this act

Section 7 (a) Each member of the commission shall be reimbursed for the necessary expenses incurred in the performance of the duties performed under the provisions of this act

(b) All expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act

(c) Before the issuance of any turnpike revenue bonds under the provisions of this act each appointed member of the commission shall execute a bond in the penalty of $25,000 and the secretary and treasurer shall execute a bond in the penalty of $50,000 each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office under the provisions of this act which bonds shall be filed in the office of the Secretary of the Commonwealth

Section 8 The commission with the approval of the Department of Highways is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient any lands property rights rights of way franchises easements and other interests in lands as it may deem necessary or convenient for the construction and operation of the turnpike upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission and the owner thereof and to take title thereto in the name of the commission

Section 9 Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown the commission is hereby authorized and empowered to acquire by condemnation in the manner hereinafter provided any lands property rights rights of way franchises easements and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike or necessary in the restoration of public or private property damaged or destroyed In such event application shall be made by the commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which the property is located or in the case of property on the boundary line between two or more counties then in any such counties for the appointment of viewers Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof None of the freeholders shall be a resident of the county wherein such application shall be made The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General to the commission and to the owner or owners if resident within said county If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county if neither owner nor any of such officers reside within the county or cannot be found therein or is unknown notice of such first meeting shall be given as the court may direct The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to ascertain as accurately as may be the value of such land property rights rights of way easements or franchises and to that

end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers may deem necessary If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers or a quorum thereof make such order therein as may be necessary Whenever the viewers shall have ascertained the value of the lands property rights rights of way easements or franchises they shall prepare a full report of their labors Upon the completion of the report the viewers shall fix a time when they shall meet and exhibit same Ten days written notice of the time and place of such meeting together with a copy of said report shall be given to the commission to the Attorney General and to the owner or owners of the property condemned At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto After making any changes in such report as they may deem necessary the same shall be filed in the court within thirty days after the filing of the report in the court the commission acting through the Department of Justice or any person interested may file exceptions thereto Whereupon the court shall either confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers Within thirty days after the final action on the report by the court the commission acting through the Deparment of Justice or any person interested may demand a trial by jury From the action of the court on exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually incurred in the performance of his duties Title to any property condemned by the commission shall be taken in the name of the commission Prior to physical entry upon the land the commission shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings provided however that in any condemnation proceedings the court having jurisdiction of the suit action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to enter upon accept and pay for the property but neither such undertaking or security nor any act or obligation of the Commission shall impose any liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act

In addition to the foregoing powers the commission and its authorized agents and employes may enter upon any lands waters and premises in the State for the purpose of making surveys soundings drillings and examinations as it may deem necessary or convenient for the purpose of this act and such entry shall not be deemed a trespass nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the commissior upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships other political subdivisions and municipalities or public agencies and commissions of the Commonwealth of Pennsylvania may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission including public roads and other real property already devoted to public use

Section 10 Whenever the commission decides to acquire any lands rights rights of way easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond or other security to secure the owner or owners for damages and the same has been accepted or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which such condemnation proceeding is instituted the commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the commission If the owner lessee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof the commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures

Section 11 The commission is hereby authorized to provide by resolution at one time or from time to time for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike which resolution shall recite an estimate of such cost The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment The bonds shall be dated shall bear interest at such rate or rates not exceeding six percentum per annum payable semi-annually shall mature at such time or times not exceeding forty years from their date or dates as may be determined by the commission and may be made redeemable before maturity at the option of the commission at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds Provided however that the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption The bonds may be issued in series with varying provisions as to rates of interest maturity and other provisions not inconsistent with this act but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor The principal and interest of such bonds may be made payable in any lawful medium The commission shall determine the form of bonds including any interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth The bonds shall be signed by the Governor and by the chairman of the commission and the official seal of the commission shall be affixed thereto and attested by the secretary and treasurer of the commission and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery All turnpike revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth The bonds may be issued in coupon or in registered form or both as the commission may determine and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and registered and coupon bonds shall be interchangeable The commission may sell such bonds in such manner and for such price as it may determine to be for the best interest of the Commonwealth but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed

upon requisition of the chairman of the commission under such restrictions if any as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the turnpike additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued If the proceeds of the bonds shall exceed the cost of the turnpike the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law

Section 12 All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds

Section 13 In the discretion of the commission such bonds may be secured by a trust indenture by and between the commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth Such trust indenture may pledge or assign tolls and revenue to be received but shall not convey or mortgage the turnpike or any part thereof Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction maintenance operation and repair and insurance of the turnpike and the custody safeguarding and application of all moneys It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the commission Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations In addition to the foregoing such trust indenture may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike

Section 14 The accomplishment by the commission of the authorized purposes stated in this act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity in which accomplishment the commission will be performing essential governmental functions the commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this act and the bonds or other securities and obligations issued by the commission their transfer and the income therefrom including any profits made on the sale thereof shall at all times be free from taxation within the Commonwealth

Section 15 The commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof and to charge and collect the same and to contract with any person partnership association or corporation desiring the use of any part thereof including the right of way adjoining the paved portion for placing thereon telephone telegraph electric light or power lines gas stations garages stores hotels restaurants and advertising signs or for any other purpose except for tracks for railroad or railway use and to fix the terms conditions rents and rates of charges for such use Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike if any to pay (a) the cost of maintaining repairing and operating the turnpike and (b) the bonds and the interest thereon and all sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture as the same shall become due Such tolls shall not be subject to supervision or regulation by any other State commission board bureau or agency The tolls and all other revenues derived from the turnpike except such part thereof as may be required to pay the cost of maintaining repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due (2) the principal of the bonds as the same shall fall due (3) the necessary fiscal agency charges for paying principal and interest and (4) any premium upon bonds retired by call or purchase as herein provided The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds or in the trust indenture but except as may otherwise be provided in such resolution or trust indenture such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued

Section 16 The commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding The issuance of such turnpike revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the commission in respect to the same shall be governed by the foregoing provisions of this act in so far as the same may be applicable and by the following provisions.

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby except in the amount neces-

sary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within three months including any redemption premium thereon.

(b) No turnpike revenue refunding bonds shall be issued unless to refund turnpike revenue bonds which have matured or will mature within three months or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate borne by the turnpike revenue bonds to be refunded.

Section 17 Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto and the trustee under the trust indenture if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the commission or any officer thereof including the fixing charging and collecting of tolls for the use of the turnpike

Section 18 When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bond holders and shall continue to be held for that purpose the turnpike and the connecting roads tunnels and bridges shall become a part of the system of State highways and shall be maintained by the Department of Highways free of tolls and thereupon the commission shall be dissolved and all funds of the commission not required for the payment of the bonds and all machinery equipment and other property belonging to the commission shall be vested in the Department of Highways.

Section 19 The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof

Section 20 The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein.

Section 21 All acts and parts of acts inconsistent with this act are hereby repealed.

And said bill having been read at length the thid time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, this bill, as I read it provides for the extension of what was formerly known as the Dream Highway from Harrisburg to the City of Philadelphia. As I understand the amendments presented last night the route of the highway is to be controlled by the Governor of the Commonwealth. I have been told that this piece of construction work will entail the expenditure of approximately seventy millions of dollars.

The first question therefore, Mr. President, that should concern us is whether the people of the Commonwealth of Pennsylvania will be fully compensated by the expenditure of this gigantic sum on this construction work.

In the first place, Mr. President, we should acquaint ourselves with the procedure that is to be followed in the acquiring of necessary land for this purpose. After the route has been located, through the approval of the Chief Executive of the Commonwealth, under the bill, then lands necessary for this construction are to be acquired either by outright purchase or by condemnation proceedings.

The eastern part of this state contains very valuable land, both farming or agricultural land and also other valuable property and so, Mr. President, we should determine whether in this construction the property that is to be taken is going to be fully compensated to the people of the Commonwealth as a result of this construction.

Now, Mr. President, there will be many valuable farms taken, I do not care what course the highway takes, and the proposition arises, when and how are these farms going to be paid for? If it is true, as the Senator from Westmoreland said a few days ago, that many farmers have not yet been paid on the western part of this construction then is it not fair to admit it will be no doubt many years before the land to be taken will be paid for

Now, Mr. President, that is one of the things that should be very carefully considered in connection with this bill I cannot fully understand, as a lawyer, why it is that the farmers back along the dream highway have not yet received their compensation for the land taken; and I also want to know, if this land is taken between Harrisburg and Philadelphia, when those property owners will be compensated.

Now you may say, well, this is going to help the people of Pennsylvania, and I come back with the question, how? Let us analyze that problem for a few moments, Mr President. Let us go back to the part that is already under construction. You go into the farming sections, you see the work of construction going on, and some will try to tell you that this bill put many people back to work If that is true, then that is an argument in its favor When I was a boy a work of that nature would certainly have put many people back to work, because in those days on a reasonably large piece of construction, we were compelled to go to Europe in order to get men to wield the picks and shovels; but that day has passed. This is a day of highly mechanized work, and as I look along the highway back west from here I see the finest machinery that man has ever looked upon, but I do not see a whole lot of people working there outside of the ones who are manning these machines; and on questioning many of those men I find they are from outside the domain of the State of Pennsylvania.

Now, Mr. President, it might help the big contractors many of whom, on the work already under way, come from outside the State of Pennsylvania. On the other hand, when we consider this problem from that viewpoint you will find—and I know the Senator from Somerset will agree with me—that over in these farming counties today where this work is going on many farmers have left the farms in order to take up work on this highway I wish to say, Mr. President, that that work has gone that far—that farmers have even left the farms in order to take up work on this highway. Whether they are discouraged with the way their farms have been cut to pieces I do not know; but I do know that in Somerset county alone there was even strife as to whether or not the

farmers of that great county were to be permitted to work on that highway.

Now, what of the farmer if his land is taken? What will happen to him? Will this highway help him as it goes through his farm—and in many cases cut his farm to pieces? How will it benefit the farmer if he stays on the farm?—because that is important with regard to the question of direct relief. If he moves from the farm, then there is one independent family that may later have to go on relief. If he stays on the farm, how will the highway help him? Suppose he drives his load of hay or his load of fodder onto the highway—he will perhaps run into the danger of being knocked off the highway, injured and perhaps killed by fast moving traffic. And he may go out in the morning early to his barn or to his cowshed to feed his horses or his cows and he will find some stranger lying in his hay mow or cowshed; or his wife may go out to feed the chickens in the morning and find half of them missing; or he may be wakened in the middle of the night from sweet repose by having someone knocking on his door, asking for gasoline or the use of horses to pull a wrecked car out of a field.

Now, Mr. President, that is the way it will treat the farmers in the districts through which it goes. I understand this highway is going to be a level highway, one upon which speed will be very excessive. Some say it is going to be a highway for war time purposes. But I believe, Mr. President, that in the early days of the adoption of this question in the 1937 session, no reference was made to a war time highway at all; it was a highway dedicated to the cause of relief labor. I believe also the idea was created at that time that it was to be built in order to help heavy truck service between the west and the east; and I still believe that if it is built certain licensed motor operators will have the right-of-way over this highway in hauling heavy and light freight from the west to the east and from the east to the west, and the little man will have very little use of that highway.

Now, Mr. President, I understand the argument has been raised that we need it in time of war. As I read what the Governor has to say, through the Evening Bulletin, I find he placed it in the position of a relief time measure. I believe he said something like this, according to the paper:

"The Governor's interest in the extension, which would be supervised by a Democratic-controlled commission, is the $50,000,000 worth of work which it may provide for the unemployed in eastern Pennsylvania."

Now, Mr. President, if that is the chief reason and only reason why this bill is before us I say that the benefits will greatly fall below the dangers and the detriments that may come by passage of this bill.

A few years ago we had a vote on this measure, and at that time there were quite a few Senators in the House who took the view that this was hasty legislation and that it should not be adopted in this quick fashion; but I understand now, and I am sorry to see that a different viewpoint evidently has been reached; and I want to refer to the attitude of some of the Senators on the other side at this time. There was a time when I sat over there by reason of the fact that there were not enough seats on this side; and right along, almost every day, when a measure of importance would come up, you would hear the sound of a steam roller, high pressured; and I thought, Mr. President, when the administration changed and we saw many new faces coming in over there, that that policy would be sidetracked; but now we find they are following the same old course the previous administration followed and that they are taking the same dictatorial orders that they condemned under the previous administration, and this is evidenced also by what the Evening Bulletin of yesterday said, which I wish to read:

"Governor James today delivered an ultimatum to Administration forces in the Senate that the bill to extend the Pennsylvania turnpike to Philadelphia must be enacted.

"The Governor called Republican leaders on the carpet for an explanation of why unconstitutional amendments were inserted in the measure last night.

"He instructed G. Mason Owlett, floor leader, and Senator James G. Fulton, Pittsburgh Republican, that the sabotaging changes must be stricken out, 'or else.'

"It was no secret that the Governor swung the patronage whip in convincing the Senators that the Administration would not stand for losing the turnpike bill.

" 'Everybody's back in line,' Senator Weldon Heyburn, Delaware Republican told newspapermen after the majority caucus. 'The plan is to have Senator Fulton withdraw the amendments which would extend the road west to the Ohio state line after the bill has been reconsidered on second reading'."

I am glad to see, Mr. President, contrary to that statement, that the young man who takes the place in this Senate of that great independent Republican from Allegheny, Senator Frank Harris, is using still some independence; and I am amazed at the action of some others who have for years in this Senate cried out against dictatorial rule. I would like to see the time come when we will have more independent action. I know it is hard. I threw myself before the steam roller many times and I know you get buffeted and bruised and knocked down, but that is the duty of a conscientious, independent public servant.

Now, Mr. President, if when this bill was up the other night there were certain Senators who believed it was premature then, I see no change now. Just as the resolution which was recently adopted stated that in view of the fact that this is such an immense question that it should have more study, I am not convinced whether under this bill the Governor has the full control, whether this bill will repeal former legislation on this subject; I have not had time to carefully consider those questions. From every angle there is no particular hurry about this bill; even if it is necessary in time of war, from which a strong argument to the contrary can be advanced, namely, that those tunnels could easily be bombarded in time of war; whether that is not a sufficient reason why this bill should not be given more mature consideration. When a measure of this importance comes before a body the body is entitled to have ample time to carefully study it and consider it in order that the welfare of the people of Pennsylvania might be fully protected.

We have then, Mr. President, a bill here designed to extend the highway from Harrisburg to Philadelphia, and the question then recurs, first, is the welfare of the people of Pennsylvania fully protected by the expenditure of these seventy millions of dollars? In other words, will the people of Pennsylvania, the farmers and the property

owners, be fully compensated for the damage done? Secondly, Mr. President, will the little man, who will indirectly contribute towards its support, be fully compensated for the part he plays in it? Because, if it is to be a toll road, the man at the bottom will pay the road anyway. And, thirdly, Mr. President, will the question of relief cure the many other ills that will be found hanging on to this dream highway problem?

There would be only one reason, Mr. President, why I would vote for this bill, and I am not at this time ready to give that vote, and that would be in order to protect this great state and this great republic in time of war. As a soldier of the late war, I would do nothing contrary to the preservation of this great republic; but I say, Mr. President, I do not believe that is the purpose of this bill. I think the purpose is, as I stated before, to make a highway, a boulevard, for the trucking industry and other big business to carry freight and heavy produce from one end of the state to the other; and if that is the purpose then you have on the other side the amount of tonnage that would be taken from our railroads; how many men from the railroad brotherhoods will be thrown out of work, or their hours of labor lessened; if that is to be the purpose and use of this highway.

There are so many features to this problem that we should not be called upon to hastily decide it at this time. It was not a problem that had to be in the Call; the main purpose was relief; and I say to you, Mr. President, there would be no harm done in carrying this proposition over to the general session of 1941 and during the intervening time we will have plenty of time to study the big problem.

Mr. SIPE. Mr. President, I am going to have a few remarks to make on this bill. This bill is the daughter of the bill that created the dream highway from the western end of the state to down here in Cumberland or Dauphin County. It is the daughter of that mother. No one seems to understand this daughter very fully; no one seems to understand its implications. Then, as far as the mother is concerned the original dream highway now in construction—we know that the Governor of the Commonwealth when campaigning for office damned that mother from one end of this state to the other; but soon after he came into office Walter Jones—from the State of Ohio recently but now of the State of Pennsylvania and the Chairman of the Dream Highway—crept into the office of the Governor and was asked to make a few explanations to the said Governor, in order to change the attitude of the Governor towards this mother.

Among other things, Mr. President, he told the Governor that the mother was not costing the State of Pennsylvania anything. The Governor said that was news to him, and he forthwith apologized to the said Walter Jones and took the mother to his arms and has been holding her very tighly ever since; and now he has taken the daughter to his arms.

As I say, Mr. President, a woman is hard to understand anyway, and I do not believe any Senator here understands this daughter and the implication of this daughter. I do not like the letter Brother Jones wrote to the Democratic Caucus, in which he tried to use the European war as a means of kicking up a lot of war hysteria here to help put this bill across. I think he forgot while England is only a few hundred miles from the German air bases, yet the United States is more than three thousand miles from those air bases. Yet I would not like to vote against it; I would not like to vote against it if it actually will be a means of help here in the United States if we should get in a war; but I want the authority to control the highway, if this bill goes through, to give a little better treatment to the farmers of eastern Pennsylvania than they have thus far given to the farmers of western and central Pennsylvania.

And the question recurring,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Kunkel, | Ruth, |
| Chapman, | Fulton, | Lanius, | Scarlett, |
| Coleman, | Gelder, | Letzler, | Shapiro, |
| Crowe, | Geltz, | Mallery, | Sipe, |
| Dando, | Haluska, | McCreesh, | Snowden, |
| Deitrich, | Heyburn, | McGinnis, | Stevenson, |
| Dent, | Homsher, | Miller, | Stiefel, |
| DiSilvestro, | Jacobs, | Mundy, | Tallman, |
| Edmonds, | James, | Owlett, | Thomas, |
| Eroe, | Jaspan, | Pierson, | Walker, |
| Farrell, | Kephart, | Rice, | Wolfenden, |

NAYS—2

| | |
|---|---|
| Woodward, | Reed, |

Ealy, present.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

## HOUSE MESSAGES

### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 3

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 3, entitled:

An Act transferring money from the State School Fund to the General Fund; requiring the State Council of Education to liquidate the investments in the State School Fund; and providing for the subsequent return from the General Fund of the transferred money.

### HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 10

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 10, entitled:

An Act to amend certain appropriation items contained in section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine, (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt and the support of the public schools for

two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine.

## HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 14

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 14, entitled:

An Act to amend paragraph (a), of and to add a new paragraph (1) to section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commission, shall be determined," as amended by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building, now occupied by the Pennsylvania Liquor Control Board and providing that such civil service employes of the board as are necessary for the cleaning, care, preservation and protection of such building and furnishings, records and other matters therein and the operation of its mechanical plants shall perform their duties under the supervision of the Department of Property and Supplies.

## BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 3, entitled:

An Act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 10, entitled:

An Act to amend certain appropriation items contained in section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine"

House Bill No. 14, entitled:

An Act to amend paragraph (a), paragraph (b), as amended, and paragraph (c) of section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "Administrative Code of 1929," by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

## REPORT FROM COMMITTEE

Mr. EALY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I think perhaps the clerk should read the nominations in detail as I do not wish to omit any names that were asked to be reported out.

The Clerk read the nominations as follows:

Mr. EALY from the Committee on Executive Nominations of the Senate herewith reports with a favorable recommendation the name of John C Bell, Jr., Philadelphia, Pennsylvania, who was nominated by the Governor of the Commonwealth as Secretary of Banking, to serve from October 12, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified, also the following:

### MEMBER OF THE BOARD OF TRUSTEES OF FAIRVIEW STATE HOSPITAL

William L. Owens, Stroudsburg, Monroe County, for the term of four years and until his successor is qualified, vice Olaf J. Pedersen, resigned.

### MEMBER OF THE BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

J. B. Bell, Windber, from May 2, 1940, for the term of four years and until his successor is qualified.

### MEMBERS OF THE BOARD OF TRUSTEES OF LOCUST MOUNTAIN STATE HOSPITAL

Evan Williams, Frackville, from April 29, 1940, for a term of four years and until his successor is qualified.

Joseph Nevadomski, Shenandoah, from April 29, 1940, for a term of four years and until his successor is qualified.

(Mrs.) Hawthorne L. Ball, Mahanoy City, from April 29, 1940 for a term of four years and until her successor is qualified.

Edward Strolis, Shenandoah Heights, from April 29, 1940, for a term of four years and until his successor is qualified.

John Ritz, Palo Alto, from April 29, 1940, for a term of four years and until his successor is qualified.

Herbert Ratzburg, Ringtown, from April 29, 1940, for a term of four years and until his successor is qualified.

Robert Davidson, Brockton, from April 29, 1940, for a term of four years and until his successor is qualified.

Harry Loeb, Wiggan, from April 29, 1940, for a term of four years and until his successor is qualified.

Donald Boyd, Shenandoah, from April 29, 1940, for a term of four years and until his successor is qualified.

### MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

Harry Gifford, Reiffton, from June 9, 1939, until June 2, 1945, and until his successor is qualified.

WORKMEN'S COMPENSATION REFEREES

John Allessandroni, Philadelphia, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Emil C. Schwing, Johnstown, from July 20, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

## CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of nomination for appointment of John C. Bell, Jr., Secretary of Banking, sent to the Senate, May 15, 1940, by His Excellency, the Governor of the Commonwealth, together with all other nominations just reported favorably from Committee.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg.

MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

William L. Owens, Stroudsburg, Monroe County, for the term of four years and until his successor is qualified, vise Olaf J. Pedersen, resigned.

MEMBER OF THE BOARD OF TRUSTEES OF INDIANA STATE TEACHERS COLLEGE

J. B. Bell, Windber, from May 2, 1940, for the term of four years and until his successor is qualified.

MEMBERS OF THE BOARD OF TRUSTEES OF LOCUST MOUNTAIN STATE HOSPITAL

Evan Williams, Frackville, from April 29, 1940, for a term of four years and until his successor is qualified.

Joseph Nevadomski, Shenandoah, from April 29, 1940, for a term of four years and until his successor is qualified

(Mrs.) Hawthorne L. Ball, Mahanoy City, from April 29, 1940, for a term of four years and until her successor is qualified.

Edward Strolis, Shenandoah Heights, from April 29, 1940, for a term of four years and until his successor is qualified.

John Ritz, Palo Alto, from April 29, 1940, for a term of four years and until his successor is qualified.

Herbert Ratzburg, Ringtown, from April 29, 1940, for a term of four years and until his successor is qualified.

Robert Davidson, Brockton, from April 29, 1940, for a term of four years and until his successor is qualified.

Harry Loeb, Wiggan, from April 29, 1940, for a term of four years and until his successor is qualified.

Donald Boyd, Shenandoah, from April 29, 1940, for a term of four years and until his successor is qualified.

MEMBER OF THE PENNSYLVANIA LABOR RELATIONS BOARD

Harry Gifford, Reiffton, from June 9, 1939, until June 2, 1945, and until his successor is qualified.

WORKMEN'S COMPENSATION REFEREES

John Alessandroni, Philadelphia, from July 15, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

Emil C. Schwing, Johnstown, from July 20, 1939, until the third Tuesday of January, 1943, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

## EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. EDMONDS and Mr. WALKER,

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and Mr. WALKER.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

| | | | |
|---|---|---|---|
| Bartlett, | Frey, | Lanius, | Scarlett, |
| Chapman, | Fulton, | Letzler, | Shapiro, |
| Coleman, | Gelder, | Mallery, | Sipe, |
| Crowe, | Geltz, | McCreesh, | Snowden, |
| Dando, | Haluska, | McGinnis, | Stevenson, |
| Deitrick, | Heyburn, | Miller, | Stiefel, |
| Dent, | Homsher, | Mundy, | Tallman, |
| DiSilvestro, | Jacobs, | Owlett, | Thomas, |
| Ealy, | James, | Pierson, | Walker, |
| Edmonds, | Jaspan, | Reed, | Wolfenden, |
| Eroe, | Kephart, | Rice, | Woodward, |
| Farrell, | Kunkel, | Ruth, | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. EDMONDS. Mr. President, I move that the Executive Session do now rise.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

## RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for thirty minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

## RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess until 7:30 P. M.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

## HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 13

The Clerk of the House of Representatives being introduced, presented communication from the House of

Representative informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 13, entitled:

An Act to amend clause (u) of section four of the act approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer and prescribing penalties" by redefining for certain purposes of the act the term "wages".

## HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 15.

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 15, entitled:

An Act to amend section six hundred twenty-eight of the act approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections", by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

## HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 22

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 22, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County, to a point at or near the City of Philadelphia; and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation, and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

## BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 13, entitled:

An Act to amend clause (u) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven), entitled "Unemployment Compensation Law," by redefining, for certain purposes of the act, the term "wages."

House Bill No. 15, entitled:

An Act to amend section six hundred twenty-eight of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "Pennsylvania Election Code," by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

House Bill No. 22, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and from a point at or near Irwin in Westmoreland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of Ohio and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

## REPORT OF JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE BUREAU OF AERONAUTICS

Mr. BARTLETT. Mr. President, I submit herewith report of joint committee to investigate Bureau of Aeronautics pursuant to House Concurrent Resolution No. 24. I may add, Mr. President, copies of this report are available to each member of the House and Senate.

The PRESIDENT. The report will be printed in the Journal.

To the Honorable Arthur H. James, Governor of the Commonwealth.

Hon. Frederick T. Gelder, President Pro Tempore of the Senate.

Hon. Frederick J. Turner, Speaker of the House of Representatives.

"The Joint Committee for the investigation of Aeronautics, appointed under House Concurrent Resolution No. 24, Serial No. 203, has performed the duties for which it was appointed.

"Public hearings were held in the Senate Caucus Room on April 25, 1939 and on May 3, 1939. At these hearings sworn testimony of witnesses was recorded. Copies are attached hereto.

"Your Committee respectfully submits the following report.

CHARLES A. P. BARTLETT, Chairman
DAVID N. DENMAN, Secretary
C. GILBERT WOLFENDEN
ROBERT J. CORDIER
MATTHEW T. KNOBLE.

"A thorough investigation of Aeronautics in Pennsylvania covering the period from 1935 to May 3, 1939 has convinced your committee of the following facts:

A. That the Division of Aeronautics during the Administration of 1935-1939 was conducted in an extravagant and inefficient manner, with a considerable waste of public funds, but in spite of the extravagance and waste, several projects for the betterment of aviation in the Commonwealth were completed during that period, namely the Harrisburg and Martinsburg airports, the radio ranges and elliptical markers.

B. That the planes of the Division were used during that period by the then Governor, and by his immediate personal and official families, on other than official business.

C. That on two occasions, the then Governor, because of his inexperience, crashed two State owned planes, and that his son, not an official of the State, crashed an additional State owned plane in June, 1938.

D. That the plane crashed by the then Governor on Christmas Day, 1938, at Wings Field, Ambler, is regarded as almost a total loss. Its original cost was over $15,000 and there is an estimated salvage value of "about $5,000."

E. That two other planes involved in these crashes are still held by the plane factories against payment of the repair bills incurred.

F. That transportation of State officials not required to use aircraft, was a common custom.

G. That the inspection service of the State fields, and of airplane crashes suffered as a result of the flying policy of the then Governor.

"From the standpoint of national defense, your committee is convinced that the Commonwealth should request the Federal Government to assist in a survey of the airfields of the State with a view to determining what State facilities are best adapted to the Federal program, and what, if anything, the Commonwealth may be able to do in the national interest. Defense is a national problem, with which your committee is not concerned except as Pennsylvania interests are involved.

A. No airport within the State is equipped in any way to provide defense against air attack.

B. Two of the greatest manufacturing and commercial centers in the nation are at opposite ends of the State and on or near its borders with neighboring states. The Philadelphia center of shipping and shipbuilding and the Pittsburgh center of steel are vulnerable, and each of prime importance to national defense.

C. Airfield to protect these centers should be sufficiently near to be able to give prompt aid, but not so near as to be included in the vulnerable area. The Harrisburg airport might answer for the Eastern needs and Latrobe field for the Western. Latrobe field is suggested for various reasons:

1. A satisfactory terrain for a runway of more than one mile.
2. Adaptability for underground hangars.
3. Proximity to main line of Pennsylvania Railroad and to Lincoln Highway and Pennsylvania Turnpike.
4. Comparative freedom from fog and absolute freedom from dense smoke.
5. Direct flying course between New York, Philadelphia, Pittsburgh and Youngstown.

D. It is not apparent that any effort by the State or any of its departments has been made to interest the Federal Government in constructing or assisting in constructing any depots or stations for air defense.

Findings of Facts

"That the total cost of the Bureau of Aeronautics for the past several fiscal years has been as follows: (Report of the Auditor General.)

Total Cost:

| | | |
|---|---|---|
| 1935-1936 | ..... | $235,143.14 |
| 1936-1937 | ..... | 201,331.42 |
| 1937-1938 | ..... | 579,685.87 |
| 1938-1939 | (To January 1 only) ..... | 598,028.18 |

Of the above amounts, the portion for operations only:

| | | |
|---|---|---|
| 1935-1936 | ..... | $ 56,990.94 |
| 1936-1937 | ..... | 158,945.52 |
| 1937-1938 | ..... | 337,288.21 |
| 1938-1939 | (To January 1 only) ..... | 346,289.22 |

NOTE:

"Un official conference with the Commissioners of Aviation of many states, then in annual convention at Washington, D. C., developed the fact that Aviation in Pennsylvania was costing the State many thousands of dollars more than any other state reporting, including New York, New Jersey, Illinois, California, Michigan, Connecticut and others. It was the belief of the conferees, generally agreed upon by all, that aviation should not cost Pennsylvania more than $35,000 annually.

"That the Commonwealth is the owner of a "Link Trainer," an apparatus used for training pilots to fly "blind." The cost of this equipment was about $6,000 and the annual cost of its operation is likewise about $6,000. The average cost per student was about $40.00. The State paid the entire cost of supply and operation of this equipment. None of the students, or no one in their behalf has made any payments for this education, nor is any student in any way obligated to furnish any present or future service to the State.

"That as of April 25, 1939 no charges were being rendered at Harrisburg airport for storage of planes owned by private operators, or for services rendered them or to the planes of airway companies.

"That the Commonwealth jointly with the Federal Government has developed an excellent airway net in this state, together with proper safety devices, radio beams, etc., and emergency landing fields. That the dangerous terrain of this State has been made more safe for flying, particularly during rough weather and at night.

"That the Bureau of Aeronautics of the State has been a loosely controlled division by the former Department of Revenue, and its duties and obligations even as of April 25, 1939 not clearly defined.

"That there have been no definite provisions for the use of State planes either by the State Police or by the National Guard in cases of emergency.

"That no use of the State Motor Police as inspectors of air fields and equipment appears to have been made.

"That there appears to have been no effort to cooperate with responsible institutions of learning in the State in the training of student fliers, in conjunction with either the Federal Department of Aeronautics or the Civil Aeronautics Authority.

"That of the State's present ownership of six planes, three are not usable, having been wrecked.

1. A Stinson plane S7 NC2205 is at Lycoming Motor Company, Williamsport, Pa., for motor overhaul. The repairs had not been paid for as of April 25, 1939 and

the plane had not, therefore, been returned to Harrisburg airport.

2. The plane which crashed in the hands of George H. Earle, IV, son of former Governor George H. Earle III, is a Fairchild monoplane. It is at the Fairchild factory at Hagerstown, Md., and being held against a repair bill of $1,700.
3. The plane which crashed at or near Wings Field, Ambler, when piloted by Governor Earle, cannot be repaired practically. The cost of this plane was $15,347.50 and the salvage value about $5,000. (Testimony April 25, 1939, page 14 et seq.). Cost of putting this plane back in condition would be about $15,000. (Testimony May 3, 1939, page 23).

"That there is no indication that former Governor Earle was on official business at the time of crash near Wings Field. (Testimony April 23, 1939, page 18).

"That the legal representative of former Governor Earle has communicated with representatives of the Commonwealth and requested a conference in order to determine where lies the responsibility for plane accidents caused during pilotage by himself and his son, and to ascertain whether or not he should make any payments to the State therefor. (Testimony May 3, 1939, page 18 et seq.)

"That the total cost of plane accidents suffered during pilotage by Governor Earle was approximately $16,747.50. (Testimony May 3, 1939, pages 20 and 21).

"That testimony does not disclose that George H. Earle IV was or was not an official or employee of the State at the time when the Fairchild plane was wrecked with him at the controls. Or that at the time, he was or was not on official business for the State. (Testimony April 25, 1939, page 11.)

Recommendations

"That the airplane now being held by Lycoming Motor Co. against repair bill be returned to the State and the bill be satisfied in full.

"That the Fairchild plane now being held by Fairchild Aircraft Co. be returned to the State and the bill be settled in full.

"That former Governor Earle be surcharged $16,747.50 for damages suffered to State planes while he was at the controls and not on official business.

"That George H. Earle IV, son of former Governor Earle, be requested to pay to the State the sum of $1,700 00 for damages to State planes while he was at the controls, being then not an official or employee of the State, and not at the time on official business for the State.

"That instruction in blind flying on the Link Trainer be charged for at cost, said cost to be based on cost of operation of the equipment plus its depreciation and repair.

"That the bureau of Aeronautics be definitely defined as to its position in the State Government in conformity with the practice and usage in other states, and that a survey be made to determine to what extent the Commonwealth should participate in aviation.

"That the aviation laws of the State be amended and brought up to date so as to conform to the laws of other States, and the laws of the Federal Government.

"That provisions be made for the use of State planes and aeronautical equipment by the Pennsylvania Motor Police and by the National Guard of the State when advisable, and in such cases the costs involved to be charged to the Department using the planes or equipment.

"That the Bureau of Aeronautics cooperate with recognized institutions of learning to assist them in obtaining aviation training for their students through the facilities of the Federal Government, the said State assistance to be confined to permission to use airports at a cost to be determined.

"That a survey be made of the airports of the State, to determine which are available for training student flyers and which for defense purposes.

"That the regular inspection of airfields by the State be made by the State Motor Police.

"That the Bureau of Aeronautics be removed from the Department of Revenue and placed either in the Department of Commerce or the Department of Military Affairs.

"That the Bureau of Aeronautics consist of one commissioner and two deputy commissioners to be appointed for the remaining period of the bennium, so that definite persons may be available to make the surveys recommended, to determine to what extent the Commonwealth should engage in aviation activities, what changes should be made in the aviation laws and such other changes as they may find desirable.

"That the appropriation for the balance of the bennium should not exceed $25,000.

"That the appointed commissioner should be a competent aviator, recognized as an authority in that field.

"NOTE: The commissioners of Aviation represented at the National Aviation Forum in Washington in February 1939 were unanimous in their expression that because of the importance of the State of Pennsylvania in aviation, and the difficulty of its terrain, only an outstanding figure in aviation should hold the position, and they were further unanimous in their choice of Col. A. H. Stackpole of Harrisburg as the best qualified man for this difficult problem. Your committee approves and suggests that name.

"That the tax received from the sale of gasoline and oil for aviation purposes be segregated and reserved to the use of the Bureau of Aeronautics. Such funds to be used preferably in aviation education as may be recommended by the Department of Public Instruction.

"Your committee desires to express its thanks to those who testified before the committee and who so ably assisted during the hearings and who furnished the material from which this report is prepared.

"And to the Honorable Gill Robb Wilson, Commissioner of Aviation of the State of New Jersey, who was particularly helpful and to the Commissioners of Aviation of the States of New York, Illinois, Michigan, California, Massachusetts, Florida, Connecticut, Texas and Missouri.

"And to Major Bourne of the Civil Aeronautics Administration, and to the National Aviation Forum, all of whom gave generously of their time, at no expense to the Commonwealth.

"Your committee recommends further the payment of $25.00 for stenographic services in the preparation of this report."

Respectfully submitted,

CHARLES A. P. BARTLETT, Chairman (Senate)
DAVID N. DENMAN. Secretary (H. R.)
C. GILBERT WOLFENDEN, (Senate)
ROBERT J. CORDIER, (H. R.)
MATTHEW T. KNOBLE. (H. R.)

Exhibits

A Testimony. April 25. 1939.
B Testimony, May 3, 1939.
C Auditor General's Tables of Costs of Aeronautics.
D Copy of Proceedings before a special committee of the House and Senate, submitted February, 1939.

## QUESTION OF PERSONAL PRIVILEGE

Mr. EDMONDS. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Montgomery will state his question of personal privilege.

Mr. EDMONDS. Mr. President, I claim for two minutes personal privilege for the office of friendship.

During the period of time we have served together in this Senate we have all learned from each other, so that I think we can truthfully term the services of a Legislator a post-graduate college course in problems of government.

Now, Mr. President, the time has come where as we approach adjournment we know some of those who have been with us many years will no longer be with us.

I shall indeed feel the loss of those on both sides of this Senate, and I would like here to express my personal appreciation to them all for the services they have rendered to the state and the pleasure it has been to be with them here, but there is one name that stands out in my memory among those who will not be with us next year, and that is the name of G. Mason Owlett, Republican leader at this session and at the last session, and during previous sessions he served as State Senator.

His willingness to work, the high measure of his ability and his spirit of friendship and helpfulness have appealed to us all and because he will not be with us next year we want him to take with him a permanent souvenir of his services in the Senate of Pennsylvania.

I have the honor on behalf of his Republican colleagues to place in his hands this beautiful watch, which has been manufactured in Pennsylvania and hence is a pure Pennsylvania product, selected by the ascetic sense of my colleague Johnny Walker of Allegheny.

I want to say to you, Mason Owlett, as Nicholas Murray Butler said at a conference at Lake Mohunk, addressing Albert Smillie:

God bless you Mason Owlett,
May you live a thousandl years;
For you always add to happiness
And never cause us tears.

And may I live a thousand too,
Or a thousand less one day,
For I would not like to be alive
To hear you had passed away.

Mr. President, the inscription has not been placed on this watch but that inscription will be placed on there if Johnny Walker can be trusted, and I know he can. These are the words:

"To our leader, Honorable G. Mason Owlett
From the Republican Senators, 1939-1940
With sincere friendship and good wishes."

Mr. OWLETT. Mr. President, Mr. Edmonds, and my other Republican colleagues, words fail me to express my deep appreciation for this beautiful gift. I only wondered as I sat here and listened to Senator Edmonds whether I deserved it or not.

The sentiment of course, more than the gift, is appreciated more than my inadequate words can express.

It has been a great pleasure for me the eight years I have been in this Senate, the friendships I have made among the members of this Senate, and of course particularly among my Republican colleagues; I think that is an experience that no man can fail to enjoy who enjoys his fellow men.

As far as my leadership or, as it has been termed, the duties as a floor manager, shall I say, of the Senate is concerned, I only want to say this: I do not believe any majority or minority leader in any legislative body in this country ever had more loyal and wonderful support from his colleagues than my colleagues gave me during the last session.

There was never any task too great nor ever any hours too long for them to stand by to do the work as we saw it in this Senate, and I only hope as the years go by the record we all made together here in the Senate will be found to have been in the interest of all the people of Pennsylvania and that we have contributed perhaps a little to the welfare of our fellow men and the furtherance of the Democratic form of government.

Let me say again I thank you all from the very bottom of my heart.

Mr. McGINNIS. Mr. President, although the minority is very weak tonight, I am very glad to be here on this occasion. I never met Senator Owlett until I came to the Senate about five years ago, although I was born in his district and nearly all my relatives are still living in the district—in Potter County. I remember the first day I came here he cracked this joke, that there is one district in Pennsylvania that has two Senators, me from Potter County and he from Tioga, and so I am very sorry that we are going to lose Senator Owlett. I have had the greatest admiration for Senator Owlett; I have admired his grasp of bills, his indefatigable work, his courtesy, his fighting qualities; and I am sure we on this side will miss him almost as much as you will on the other side.

## RESOLUTION

### PRINTING JOURNALS OF THE SENATE AND THE HOUSE

Mr. EDMONDS. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS, offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 16, 1940.

Resolved (If the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives be directed to have the copy of the Journals of the two Houses of this session prepared and placed in the hands of the Director of the Bureau of Publications within thirty days after the close of the session, and the Director of the Bureau of Publications is hereby directed to have said Journals printed, bound and delivered to the Chief Clerks of the Senate and House of Representatives within ninety days after the receipt of the copy therefor.

Ordered. That the Clerk present the same to the House of Representatives for concurrence.

## RESOLUTION

### COMMITTEE TO NOTIFY GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN, offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 16, 1940.

Resolved, That a committee of three members be appointed to wait upon His Excellency, the Governor, and inform him that the Senate is now ready to adjourn sine die and inquire if he has any further communication to make.

The PRESIDENT. The Chair appoints as said committee, The Senator from Indiana, Mr. Wolfenden; the Senator from Allegheny, Mr. Walker; and the Senator from Allegheny, Mr. McGinnis, to notify the Governor the Senate is ready to adjourn.

## RESOLUTION

### COMMITTEE TO NOTIFY THE HOUSE THAT THE SENATE IS READY TO ADJOURN SINE DIE

Mr. WALKER, on behalf of the Senator from Delaware, Mr. Heyburn, offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 16, 1940.

Resolved, That a committee of three Senators be appointed to notify the House of Representatives that the Senate is ready to adjourn sine die.

The PRESIDENT. The Chair appoints as said committee the Senator from Northumberland, Mr. Deitrick; the Senator from Allegheny, Mr. Geltz and the Senator from Cambria, Mr. Haluska, to notify the House that the Senate is ready to adjourn.

## RECESS

Mr. OWLETT. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

## AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

## NOMINATION BY THE GOVERNOR

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notary Public which was laid on the table.

## CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of the nomination for appointment as Notary Public, sent to the Senate, May 16, 1940, by His Excellency, the Governor of the Commonwealth.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

The nomination was read as follows:

### NOTARY PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 16, 1940.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate William K. Parsons, City of Altoona, Blair County, for appointment as a Notary Public, for the term of four years, to compute from the date of confirmation.

ARTHUR H. JAMES.

## EXECUTIVE SESSION

By unanimous consent.

A motion was made by Mr. EDMONDS and McGINNIS.

That Rule 38 which requires nominations made by the Governor be referred to an appropriate committee be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting on the foregoing nominations.

Which was agreed to.

Whereupon,

A motion was made by Mr. EDMONDS and McGINNIS.

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

| | | | |
|---|---|---|---|
| Bartlett, | Gelder, | Mallery, | Sipe, |
| Chapman, | Geltz, | McGinnis, | Snowden, |
| Coleman, | Haluska, | Miller, | Stevenson, |
| Crowe, | Heyburn, | Owlett, | Stiefel, |
| Deitrich, | Homsher, | Pierson, | Tallman, |
| Ealy, | Jacobs, | Reed, | Thomas, |
| Edmonds, | James, | Ruth, | Walker, |
| Eroe, | Kephart, | Scarlett, | Wolfenden, |
| Farrell, | Lanius, | Shapiro, | Woodward, |
| Fulton, | Letzler, | | |

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. TALLMAN. Mr. President, I move that the Executive Session do now rise.

Mr. KEPHART. Mr. President, I second the motion.

The motion was agreed to.

## POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Cambria will state his point of information.

Mr. HALUSKA. Mr. President, as to the notaries public appointed during the recess, when do their terms expire? Do they expire at the end of the next session of the general assembly, or are they appointed for a period of four years?

Mr. EALY. Mr. President, the notaries public appointed during a recess of the Senate are appointed until the end of the next session of the Senate; then, without any further action on the part of the applicants, their names are presented to the Senate for confirmation for a further term of four years.

Mr. HALUSKA. Mr. President, could the Senator from Somerset, tell me whether or not such notaries public must once again pay a fee at the recorder's office?

Mr. EALY. Mr. President, the recorder's fee is chargable for recording new commissions. The first commission, Mr. President, which is issued by the Governor's office, only covers the period to the end of the succeeding session of the Senate then when the new commission is issued, after the Senate has confirmed the nomination for a further period of four years, it is necessary to record that commission in the recorder's office; and of course, an extra fee to the recorder must be paid. However, it is not necessary to pay the fee to the state of twenty-five dollars.

Mr. President, I understand that the bond which is given in the first instance covers the first commission, and no bond will be required for the second commission.

The PRESIDENT. Does that answer the inquiry of the Senator from Cambria?

Mr. HALUSKA. Thank you, Mr. President.

## QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise to question of personal privilege.

The PRESIDENT. The Senator from Cambria will state his question of personal privilege.

Mr. HALUSKA. Mr. President, this may be my swan speech too. I just want to say I also regret tonight that we are going to lose the Senator from Tioga, Mr. Owlett. I have spent four years in this chamber and two years in the House of Representatives, and I am thankful to my colleagues for the courtesies extended on the many occasions I have risen and spoken on the floor of this Senate, not having full knowledge of the procedure; but at all times my colleagues were courteous, and I leave here tonight ending my term in this chamber—I hope to return of course—but I also may state, as my colleague from Allegheny, Mr. McGinnis, says, we have from our county two Senators my colleague Mr. Kephart, who comes from my county, a neighbor of mine, and so if I should not come back, Cambria County will still have representation by Mr. Kephart.

I also regret to learn tonight that my good friend and colleague from Indiana, Mr. Wolfenden, is not coming back. He has been very courteous, a real gentleman at all times, and I am certainly very sorry to know he has decided to stay at home for the next four years. However, I hope he will come back at a later date.

I want to thank all my colleagues for their courtesies; and you, Mr. President, for the patience you have shown at all times to members from this side of the House when we did not have full knowledge of all the procedure of the Senate.

The PRESIDENT. I understand the Senator from Indiana, Mr. Wolfenden, wishes to address the Senate. Is that correct?

Mr. WOLFENDEN. Mr. President, that is not correct.

The PRESIDENT. The Chair has been misinformed.

## REPORT OF COMMITTEE TO WAIT UPON THE GOVERNOR

The PRESIDENT. The Chair recognizes the Committee that was appointed to wait upon the Governor.

Mr. WOLFENDEN. Mr. President, the Committee appointed on the part of the Senate to inform the Governor the Senate is ready to adjourn sine die has performed its duty, and the Governor has stated he has no message for the Senate.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

## HOUSE MESSAGES

### PRINTING JOURNALS OF THE SENATE AND THE HOUSE

In the Senate, May 16, 1940.

Resolved (If the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives be directed to have the copy of the Journals of the two Houses of this session prepared and placed in the hands of the Director of the Bureau of Publications within thirty days after the close of the session, and the Director of the Bureau of Publications is hereby directed to have said Journals printed, bound and delivered to the Chief Clerks of the Senate and House of Representatvies within ninety days after the receipt of the copy therefor.

### HOUSE CONCURS IN AMENDMENTS OF HOUSE BILL No. 1

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1, entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistane and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-nine.

## BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

## HOUSE MESSAGE

### FINAL ADJOURNMENT

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House, which was read as follows:

In the House of Representatives, May 16, 1940.

Resolved (if the Senate concur), That this Special Session of the General Assembly adjourn sine die today, May 16th, 1940, at 8:45 o'clock, P. M. (E. S. T.).

Mr. OWLETT. Mr. President, I move that the Senate concur in the resolution.

Mr. McGINNIS. Mr. President, I second the motion.

It was agreed to.

Ordered, That the House of Representatives be advised accordingly.

### HOUSE NOTIFICATION TO THE SENATE THAT THE HOUSE IS READY TO ADJOURN SINE DIE

A Committee from the House of Representatives, being introduced by the Sergeant-at-Arms, informed the Senate that the House stands ready to adjourn sine die at 8:45 P. M., E. S. T.

The Chair thanked the committee on behalf of the Senate.

### REPORT OF COMMITTEE APPOINTED TO NOTIFY HOUSE THAT SENATE IS READY TO ADJOURN SINE DIE

Mr. DEITRICK. Mr. President, I beg to report that the committee appointed to notify the House of Representatives that the Senate is ready to adjourn sine die has fulfilled its duties.

The PRESIDENT. The Committee is discharged with the thanks of the Senate.

## HOUSE MESSAGE

### COMMITTEE TO INVESTIGATE AIR RAID DEFENSES IN COMMONWEALTH AND MAKE RECOMMENDATIONS

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House, which was read as follows:

In the House of Representatives, May 16, 1940.

Whereas, recent developments in the war now waging in Europe has at last awakened this nation to the need of adequate defense against air attacks; and

Whereas, the Governor as head of the armed forces of the Commonwealth should immediately have definite knowledge of the adequacy or inadequacy of the defenses now existing against attacks from the air in Pennsylvania; therefore be it

Resolved (if the Senate concur), That a committee consisting of two members of the Senate to be appointed by the President Pro Tempore of the Senate, and three members of the House of Representatives to be appointed by the Speaker thereof, shall immediately after its appointment undertake an investigation of existing defenses against air raids within the Commonwealth and shall make a study of what additional defenses should be provided to the end that Pennsylvania and its mines and mills and factories shall be afforded every defense that can be established, and that the said committee shall make a full report of its investigation accompanied by its recommendation to his Excellency, the Governor, within thirty days after its appointment and organization.

Mr. BARTLETT. Mr. President, I move that the Senate concur in the resolution.

Mr. HALUSKA. I second the motion.

The motion was agree to.

Ordered, That the House of Representatives be advised accordingly.

### REPORT OF CHIEF CLERK ON COMPARING BILLS

Mr. OWLETT. Mr. President, on behalf of the Chief Clerk, I desire to report having compared and found correct bills numbered and entitled as follows as having passed both branches of the Legislature and signed by the presiding officers thereof:

House Bill No. 1, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred thirty-nine, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-nine.

House Bill No. 2, entitled:

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 3, entitled:

An Act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 4, entitled:

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 5, entitled:

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 6, entitled:

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

House Bill No. 7, entitled:

An Act to amend the act, approved the ninth day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-three) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by the Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings and facilities of the Authority or its projects," by reducing the amount appropriated.

House Bill No. 8, entitled:

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

House Bill No. 9, entitled:

An Act to amend the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page thirty-two) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated.

House Bill No. 10, entitled:

An Act to amend certain appropriation items contained in Section two of the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools, for two years beginning June first, one thousand nine hundred thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine."

House Bill No. 11, entitled:

An Act to provide for the expenses of the Extraordinary Session of the Legislature assembled May sixth one thousand nine hundred forty in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth one thousand nine hundred forty.

House Bill No. 12, entitled:

An Act making an appropriation to aid certain school districts.

House Bill No. 13, entitled:

An Act to amend clause (u) of section four of the act, approved the fifth day of December, one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven, page two thousand eight hundred ninety-seven), entitled "Unemployment Compensation Law," by redefining, for certain purposes of the act, the term "wages."

House Bill No. 14, entitled:

An Act to amend paragraph (a), paragraph (b), as amended, and paragrapl. (c) of section two thousand four hundred two of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "Administrative Code of 1929," by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board.

House Bill No. 15, entitled:

An Act to amend section six hundred twenty-eight of the act, approved the third day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, one thousand three hundred thirty-three), entitled "Pennsylvania Election Code," by providing for the filling of vacancies occurring in either house of the General Assembly, whether or not it be in session at the time of the happening of such vacancies.

House Bill No. 16, entitled:

An Act to further amend clause (a) of section nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand fifty-one), entitled "Public Assistance Law" by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

House Bill No. 22, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County, to a point at the City of Philadelphia; and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation, and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

## ADJOURNMENT SINE DIE

The PRESIDENT. This being the day and hour fixed by concurrent resolution for the final adjournment, and the hour of eight forty-five, P. M., having arrived, I hereby declare the Extraordinary Session of 1940 of the Senate of Pennsylvania adjourned sine die.

# HOUSE OF REPRESENTATIVES

THURSDAY, May 16, 1940

The House met at 2 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

## PRAYER

The Chaplain, Rev. Thomas George Baxter offered the following prayer:

Our Heavenly Father, bestow Thy richest benediction of comfort and happiness upon every citizen of our land by blessing every effort of every individual or institution that promotes peace and good will among us. Let Thy blessing rest upon our homes, the loved ones of our firesides, wherever they may be. Grant us faith that gives hope in darkness, strength that makes us strong in weakness, courage that makes us brave in perplexity. Bear with us in our infirmities. Fortify us against error. Deliver us from the anxiety of the future, and make us strong urgent men for the duties of today, through Christ. Amen.

## JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 9, 1940.

The Clerk proceeded to read the Journal of Thursday, May 9, 1940, when, on motion of Mr. FRANK S. MOSER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

## RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. CHECK and WEISS.

(Concurrent) RESOLUTION No. 4.

In the House of Representatives, May 9, 1940.

Whereas, This Commonwealth has recently constructed a tuberculosis sanitarium at Butler, Butler County, Pennsylvania, which has not been opened for use in the fight against tuberculosis because funds have not been made available for the equipment and operation thereof; and

Whereas, The citizens of this Commonwealth are vitally interested, from a standpoint of public health and general welfare, in the use of every available implement in the successful war that is being waged against this terrible disease; therefore be it

Resolved, That the General Assembly of this Commonwealth appropriate sufficient funds to properly equip and put into useful service this modern plant which it has at its disposal and to pay the expenses of operation thereof during the remainder of the present biennium.

Referred to the Committee on Rules.

By Messrs. CHECK and WEISS. RESOLUTION No. 5.

In the House of Representatives, May 9, 1940.

Whereas, The farmers of this Commonwealth are dependent on the price they receive for the milk produced on their farms for a large part of their annual income; and

Whereas, The recent orders of the Milk Control Commission have not only reduced the amount they receive for the same to a point where the margin of profit on the investment they have made has been reduced to a minimum, but have also set up so many regulations and restrictions on the manner of producing the same that their efforts have been interfered with to such an extent that it has destroyed much of their desire and incentive to engage in the enterprise of milk production; therefore be it

Resolved, That the House of Representatives of Pennsylvania hereby urges the Milk Control Commission to reconsider its recent orders and make such further orders as will reestablish the price formerly received for milk

and the regulations for producing the same as existed heretofore.

Referred to Committee on Rules.

## SENATE MESSAGES

The Clerk of the Senate being introduced presented extracts from the Journal of the Senate which were laid upon the table.

## LEAVE OF ABSENCE

Mr. Dalrymple asked and obtained leave of absence for Mr. GORSKI.

## COMMUNICATIONS

The SPEAKER laid before the House the following Communications which were read by the Clerk.

### THE PENNSYLVANIA TURNPIKE

A resolution from the Council of the City of Philadelphia recommending the extension of the Pennsylvania Turnpike to a terminus within the Philadelphia County line.

Referred to the Committee on State Government.

### HIGHWAY FUNDS

A resolution from the Charlesville Grange No. 698, P. of H. opposing permanent diversion of highway funds.

Referred to the Committee on Appropriations.

### ACT No. 383

Resolutions from the Cambria County Board of Assistance and the Montgomery County Board of Assistance recommending that Act No. 383 be modified.

Referred to the Committee on Welfare.

### THE SUPPORT LAW

A communication from the American Progressive League, Inc. of Pennsylvania requesting the Department of Public Assistance to limit the application of the support law directly to persons mentioned therein.

Referred to the Committee on Welfare.

### LIQUID FUEL TAX

A resolution from the Board of County Commissioners of Fayette County opposing legislation preventing Fayette County from receiving its proportionate share of the liquid fuel tax in 1940.

Referred to the Committee on Appropriations.

### RETURN OF WRITS OF ELECTION

The SPEAKER. The Chair lays before the House the affidavits of services of writs of election issued by the Speaker to fill the vacancies in the House of Representatives, in the Counties of Philadelphia and Lycoming, together with the receipts therefor, which he directs to be noted in full upon the Journals of the House.

Commonwealth of Pennsylvania,
Department of State, Harrisburg.

Now, May 8, 1940, I, Gene D. Smith, Deputy Secretary of the Commonwealth for and in behalf of S. M. R. O'Hara, Secretary of the Commonwealth, do certify that writs of election issued by Honorable Ellwood J. Turner, Speaker of the House of Representatives, directing that Special Elections for the office of Representative in the General Assembly be held on Tuesday, November 5, 1940, in the 14th, 18th, and 21st Legislative Districts, County of Philadelphia, and in the Legislative District composed of the County of Lycoming, have been served on me, personally by Joseph N. Harman, Jr., Sergeant-at-Arms of the House of Representatives.

GENE D. SMITH,
Deputy Secretary of the Commonwealth.

Commonwealth of Pennsylvania }
County of Dauphin }

James L. Talbot being duly sworn according to law, says that he resided at 320 Penn St., Chester, Delaware County, Pennsylvania, that he is a Representative of the Commonwealth of Pennsylvania.

That he served on the Board of Elections of Philadelphia County on the 9th day of May, 1940, at 12 o'clock noon, at his office in the City of Philadelphia, a writ for a special election for the office of Representative in the fourteenth legislative district of the County of Philadelphia by command of the Honorable Ellwood J. Turner, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

JAMES L. TALBOT,
Sergeant-at-Arms.

Sworn and subscribed to before me this 16th day of May, 1940.

LEO R. POORMAN,
(SEAL) Prothonotary.

Commonwealth of Pennsylvania }
County of Dauphin }

James L. Talbot being duly sworn according to law, says that he resided at 320 Penn St., Chester, Delaware County, Pennsylvania, that he is a Representative of the Commonwealth of Pennsylvania.

That he served on the Board of Elections of Philadelphia County on the 9th day of May, 1940, at 12 o'clock noon, at his office in the City of Philadelphia, a writ for a special election for the office of Representative in the eighteenth legislative district of the County of Philadelphia by command of the Honorable Ellwood J. Turner, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

JAMES L. TALBOT,
Sergeant-at-Arms.

Sworn and subscribed to before me this 16th day of May, 1940.

LEO R. POORMAN,
(SEAL) Prothonotary.

Commonwealth of Pennsylvania }
County of Dauphin }

James L. Talbot being duly sworn according to law, says that he resided at 320 Penn St., Chester, Delaware County, Pennsylvania, that he is a Representative of the Commonwealth of Pennsylvania.

That he served on the Board of Elections of Philadelphia County on the 9th day of May, 1940, at 12 o'clock noon, at his office in the City of Philadelphia, a writ for a special election for the office of Representative in the twenty-first legislative district of the County of Philadelphia by command of the Honorable Ellwood J. Turner, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

JAMES L. TALBOT,
Sergeant-at-Arms.

Sworn and subscribed to before me this 16th day of May, 1940.

LEO R. POORMAN,
(SEAL) Prothonotary.

May 9, 1940.

Received of James Talbot, Sergeant-at-Arms, House of Representatives, three writs authorizing the holding of Special Elections to fill the vacancies of three members of the House in Philadelphia County; Fourteenth, Eighteenth and Twenty-first Districts.

COUNTY BOARD OF ELECTIONS
By: WM. H. GRIFFIN,
Chief Clerk of Elections.

Commonwealth of Pennsylvania }
County of Dauphin }

Joseph F. Harman, Jr., being duly sworn according to law, says that he resided at 2447 79th Ave., Phila., Philadelphia County, Pennsylvania, that he is a Representative of the Commonwealth of Pennsylvania.

That he served on the Board of Elections of Lycoming County, on the 8th day of May, 1940, at 4:15 o'clock, p. m.; at his office in the City of Williamsport, a writ for a special election for the office of Representative in the thirteenth legislative district of the County of Lycoming by command of the Honorable Ellwood J. Turner, Speaker of the House of Representatives of the Commonwealth of Pennsylvania.

JOSEPH F. HARMAN, JR.,
Sergeant-at-Arms.

Sworn and subscribed to before me this 9th day of May, 1940.

LEO R. POORMAN,
(SEAL) Prothonotary.

COUNTY OF LYCOMING
Commissioners' Office
Williamsport, Penna., May 8, 1940.

And now, May 8, 1940, I, Elton B. Edkin, Chief Clerk of Lycoming County Commissioners, Lycoming County, Pennsylvania, certify that an order issued by Ellwood J. Turner, Speaker of the House of Representatives, directing that a special election shall be held on Tuesday, November 5th, 1940, has been served on me, personally, by Joseph Harman, Sergeant-at-Arms, House of Representatives.

ELTON B. EDKIN,
(SEAL) Chief Clerk.

## SENATE MESSAGE

### HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2.

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 4.

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 5.

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 6.

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 7.

An Act to amend the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-three) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated.

HOUSE BILL No. 8.

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

HOUSE BILL No. 9.

An Act to amend the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-two) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated.

HOUSE BILL No. 11.

An Act to provide for the expenses of the extraordinary session of the Legislature assembled May sixth one thousand nine hundred forty in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth one thousand nine hundred forty.

HOUSE BILL No. 12.

An Act making an appropriation to aid certain school districts.

HOUSE BILL No. 16

An Act to further amend clause (a) of section nine of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

With the information that the Senate has passed the same without amendment.

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 2.

An Act transferring money from the Motor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 4.

An Act transferring money from the Liquor License Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 5.

An Act transferring money from the Fire Insurance Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 6.

An Act transferring money from the Liquid Fuels Tax Fund to the General Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 7.

An Act to amend the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-three) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated.

HOUSE BILL No. 8.

An Act transferring money from the Veterans' Compensation Fund to the Veterans' Compensation Sinking Fund for the purpose of meeting Sinking Fund requirements on Veterans' Compensation Bonds.

HOUSE BILL No. 9.

An Act to amend the act approved the ninth day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page thirty-two) entitled "An act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects" by reducing the amount appropriated.

HOUSE BILL No. 11.

An Act to provide for the expenses of the extraordinary session of the Legislature assembled May sixth one thousand nine hundred forty in pursuance of the proclamation of the Governor of the Commonwealth dated April twenty-ninth one thousand nine hundred forty.

HOUSE BILL No. 12.

An Act making an appropriation to aid certain school districts.

HOUSE BILL No. 16.

An Act to further amend clause (a) of section nine of the act approved the twenty-fourth day of June one thousand nine hundred thirty-seven (Pamphlet Laws two thousand fifty-one) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" by changing the definition of dependent children to conform to the new definition of that term contained in Title IV of the Federal Social Security Act.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## SENATE MESSAGE

### RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, May 14, 1940.

Whereas, The construction, operation and maintenance of a turnpike or super-highway from a point at or near Middlesex, in Cumberland County, the present eastern terminus of a turnpike or super-highway now being constructed, to a point at the City of Philadelphia, would facilitate travel between the two ends of the Commonwealth, and would be of great industrial and military value; and

Whereas, The present turnpike or super-highway between a point at or near Middlesex, in Cumberland County, to a point at or near Irwin, in Westmoreland County, was built along a long-established route which previously had been laid out for a railroad and which took advantage of existing tunnels; and

Whereas, In the case of the proposed extension of the present turnpike or super-highway from a point at or near Middlesex, in Cumberland County, to a point at the City of Philadelphia, only the termini are presently ascertainable, between which lie some of the most valuable agricultural areas in the Commonwealth of Pennsylvania, and it is highly essential to minimize the effect of the proposed extension upon such areas by careful and considerate planning of the actual route to be followed; therefore, be it

Resolved (if the House of Representatives concur), That the Department of Highways is hereby authorized and directed to make a survey and prepare plans of a proposed route or routes for a super-highway between Middlesex, in Cumberland County, to a point at the City of Philadelphia, and to make a report of the result of such survey to the General Assembly at its next regular session, such report to include its recommendations as to the best practicable route; and be it further

Resolved, That in making such survey and in the preparation of such plans, the Department of Highways shall cooperate with the Pennsylvania Turnpike Commission, and the proposed route or routes shall be subject to the approval of the said Pennsylvania Turnpike Commission; and be it further

Resolved, That a copy of this resolution be transmitted by the Secretary of the Senate to the Secretary of Highways and to the Pennsylvania Turnpike Commission immediately upon its final passage.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

## REPORT FROM COMMITTEE

Mr. McKINNEY, from the Committee on Constitutional Amendments, reported as committed House Bill No. 28, entitled:

A Joint Resolution proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section twenty.

## MOTION TO RECOMMIT

Mr. ANDREWS. Mr. Speaker, I move that House Bill 28 just reported from Committee be recommitted to the Committee on Constitutional Amendments for the purpose of saving the Commonwealth the wholly unnecessary expense of printing a bill which the Committee knows and the House knows has no chance of being enacted. We have passed measures, Mr. Speaker, diverting funds and then at the tail end of the session we make a gesture of bringing in a constitutional amendment. Every member of this House knows that the reporting of this measure at this time is either an insult to the intelligence of this House or an attempt to delude the public. I say, Mr. Speaker, the place for this bill, I contend, is in the hands of the Committee which so thoughtlessly reported it at this time.

The SPEAKER. The Chair will read for the information of the gentleman from Cambria, House Rule No. 43 as follows:

"When bills on first reading are in order, the Speaker shall take up the calendar and announce each bill in the order in which it appears on the calendar. They shall be severally read at length, and agreed to without amendment or debate, and journalized accordingly. No bill after it has once been reported from committee shall be recommitted until it has been read the first time."

## MOTION TO SUSPEND RULE

Mr. ANDREWS. Mr. Speaker, I move the suspension of Rule 43 for the specific purpose of recommitting House Bill No. 28.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. Holland and Mr. Andrews and were as follows:

### YEAS—53

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | McLane, | Rothenberger |
| Allmond, | Downey, | Melchiorre, | Sarraf, |
| Andrews, | Falkenstein, | Mihm, | Schrope, |
| Auker, | Harkins, | Mooney, | Schwab, |
| Baker, | Hindman, | Munley, | Shaw, |
| Balthaser, | Hoffman, S K., | O'Connor, | Stank, |
| Bardes, | Holland, | O'Neill, | Thompson E F |
| Boles, | Keenan, | Powers, | Van Belle, |
| Broad, | Kenehan, | Preston, | Weiss, |
| Brown H S., | Kilroy, | Readinger, | Welsh E B., |
| Burris, | Levy | Regan, | Welsh M J., |
| Check, | Lovett, | Rooney, | Westrick, |
| Chervenak, | Malloy, | Rosenfeld, | Williams, |
| Cohen, R E., | | | |

### NAYS—112

| | | | |
|---|---|---|---|
| Ackermann | Donahue, | Knoble, | Shearer, |
| Alspach, | Ely, | Kowalski, | Simons, |
| Atkins, | Ewing, | Krise, | Sloan, |
| Balliet, | Fisher, | Leisey, | Snyder, |
| Bennett, | Fiss | Leydic, | Sollenberger |
| Boorse, | Fleming, | Lyons, | Stambaugh, |
| Boose, | Foor, | Madden, | Stewart, |
| Bower, | Gates, | Marr, | Stockham, |
| Boyd, | Gillette, | McClester, | Sweeney, |
| Bretherick, | Goll, | McGarrity, | Tahl, |
| Bronson, | Habbyshaw | McKinney, | Terry |
| Brown S W | Haines | McNally, | Thistle, |
| Brunner | Hall | McVay, | Thompson, G R |
| Cadwalader | Harbeson, | Montgomery, | Tiemann, |
| Calvin | Haudenshield, | Moser, F S., | Trout, |
| Carpenter, | Henry, | Muir, | VanAllsburg, |
| Christler, | Hewitt, | O'Dare, | Wagner, |
| Clark, | Hocke, | Peale, | Watkins, |
| Clearwater, | Hoffman, J N., | Reagan, | Webster, |
| Cook, | Hoyt, | Reese, D P., | Wilkinson, |
| Cooper, | Huntley, | Riley, | Wilson, |
| Cordier, | Imbrie, | Robertson, | Winner, |
| Cortese, | Irvin, | Roseberry, | Wood, H M., |
| Curran, | James, | Royer, | Wood, L R., |
| Dalrymple, | Johnston, | Sarge, | Wood, N., |
| Denman, | Jones, | Schrock, | Woodside, |
| Dick, | Kane, | Self, | Yeakel, |
| Dix, | Kline, | Serrill, | Turner, |
| | | | Speaker. |

So the question was determined in the negative and the motion was not agreed to.

## SENATE MESSAGES

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 14

An Act to amend paragraph (a) of and to add a new paragraph (1) to section two thousand four hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and providing that such civil service employes of the board as are necessary for the cleaning care preservation and protection of such building and the furnishings records and other matters therein and the operation of its mechanical plants shall perform their duties under the supervision of the Department of Property and Supplies.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 2, by striking out after the word "paragraph" the figure "(1)" and inserting in lieu thereof the letter "(l)".

Amend Section 2, page 5, line 12, by striking out after the word "paragraph" the figure "(1)" and inserting in lieu thereof the letter "(l)"; also in line 13, by striking out at the beginning of said line the figure "(1)" and inserting in lieu thereof the letter "(l)".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—171

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | Leydic, | Schwab, |
| Ackermann, | Downey, | Lichtenwalter, | Seif, |
| Allmond, | Ely, | Lovett, | Serrill, |
| Alspach, | Ewing, | Lyons, | Shaw, |
| Andrews, | Falkenstein, | Madden, | Shearer, |
| Atkins, | Fisher, | Malloy, | Simons, |
| Auker, | Fiss, | Marr, | Skale, |
| Baker, | Fleming, | McClester, | Sloan, |
| Balliet, | Foor, | McGarrity, | Snyder, |
| Balthaser, | Freed, | McKinney, | Sollenberger, |
| Bardes, | Fullerton, | McLane, | Stambaugh, |
| Bennett, | Furman, | McNally, | Stank, |
| Boles, | Gates, | McVay, | Stewart, |
| Boney, | Gillan, | Melchiorre, | Stockham, |
| Boose, | Gillette, | Mihm, | Sweeney, |
| Bower, | Goll, | Montgomery, | Tahl, |
| Boyd, | Habbyshaw, | Mooney, | Taylor, |
| Brancato, | Haines, | Moser, F. S., | Terry, |
| Bretherick, | Hall, | Muir, | Thistle, |
| Broad, | Harbeson, | Munley, | Thompson, E. F., |
| Bronson, | Harkins, | O'Brien, | Thompson, G. R., |
| Brown, S. W., | Haudenshield, | O'Connor, | Tiemann, |
| Brunner, | Henry, | O'Dare, | Tronzo, |
| Cadwalader, | Hess, | O'Neill, | Trout, |
| Calvin, | Hewitt, | Peacock, | VanAllsburg, |
| Carpenter, | Hindman, | Peale, | Van Belle, |
| Check, | Hocke, | Powers, | Voorhees, |
| Chervenak, | Hoffman, J. N., | Preston, | Wagner, |
| Christler, | Hoffman, S. K., | Readinger, | Watkins, |
| Clark, | Holland, | Reagan, | Webster, |
| Clearwater, | Hoyt, | Reese, D. P., | Weiss, |
| Cohen, H. B., | Huntley, | Regan, | Welsh, E. B., |
| Cohen, R. E., | Imbrie, | Reynolds, | Welsh, M. J., |
| Cook, | Irvin, | Riley, | Westrick, |
| Cooper, | James, | Robertson, | Wilkinson, |
| Cordier, | Johnston, | Rooney, | Wilson, |
| Corrigan, | Jones, | Roseberry, | Winner, |
| Cortese, | Keenan, | Rosenfeld, | Wood, H. M., |
| Curran, | Kenehan, | Rothenberger, | Wood, L. H., |
| Dalrymple, | Kilroy, | Royer, | Wood, N., |
| Denman, | Kline, | Sarge, | Woodside, |
| Dick, | Knoble, | Sarraf, | Yeakel, |
| Dix, | Krise, | Schrock, | Turner, |
| Donahue, | Leisey, | Schrope, | Speaker. |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 3.

An Act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money.

With the information that the Senate has passed the same, with an amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend Section 2, page 2, line 15, by inserting after the word "act" the following:

"Provided however That the State Council of Education may enter into and agreement with any other State agency charged with the investment of a special custodial fund in the State Treasury whereby such agency will agree to purchase and retain any such investments now in the State School Fund subject to an option on the part of the State Council of Education to repurchase such investments when money is available in the State School Fund for this purpose."

On the question,

Will the House concur in the amendment made by the Senate?

Mr. HARKINS. Mr. Speaker, I am gratified today to see that the majority party heeded some of the warnings I gave last week when this measure was up for consideration in the House. This amendment seems to be some attempt to give a more definite status to the question of transfer and borrowing provided for in this act. However, I want to call the attention of the members of the House to the fact that one of the things I mentioned last week is not provided for in this amendment and that is the state schools fund will still loose the interest that otherwise would go into that fund from the investment in Philadelphia Gas certificates. I might call to your attention the fact that the distressed school districts which hitherto have benefited by the interest on this fund will nevertheless, despite this amendment, still be deprived of their opportunity to benefit from this fund. For that reason, while I am complimenting the majority party on accepting a little of our aid on this one particular bill, I still feel that the bill falls short, and therefore, ask the members to vote "no" on the question of concurring in this amendment.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—121

| | | | |
|---|---|---|---|
| Ackermann, | Fiss, | Leisey, | Simons, |
| Alspach, | Fleming, | Leydic, | Sloan, |
| Atkins, | Foor, | Lichtenwalter, | Snyder, |
| Auker, | Freed, | Lyons, | Sollenberger, |
| Bardes, | Fullerton, | Madden, | Stambaugh, |
| Bennett, | Gates, | Marr, | Stewart, |
| Boose, | Gillan, | McClester, | Stockham, |
| Bower, | Gillette, | McGarrity, | Sweeney, |
| Boyd, | Goll, | McKinney, | Tahl, |
| Bretherick, | Habbyshaw, | McNally, | Terry, |
| Bronson, | Haines, | McVay, | Thistle, |
| Brown, S. W., | Hall, | Montgomery, | Thompson, G. R., |
| Cadwalader, | Harbeson, | Moser, F. S., | Tiemann, |
| Calvin, | Haudenshield, | Muir, | Trout, |
| Carpenter, | Henry, | O'Dare, | VanAllsburg, |
| Christler, | Hewitt, | Peacock, | Van Belle, |
| Clark, | Hocke, | Peale, | Voorhees, |
| Clearwater, | Hoffman, J. N., | Readinger, | Wagner, |
| Cook, | Hoyt, | Reagan, | Watkins, |
| Cooper, | Huntley, | Reese, D. P., | Webster, |
| Cordier, | Imbrie, | Reynolds, | Wilkinson, |
| Cortese, | Irvin, | Riley, | Wilson, |
| Curran, | James, | Robertson, | Winner, |
| Dalrymple, | Johnston, | Roseberry, | Wood, H. M., |
| Denman, | Jones, | Royer, | Wood, L. H., |
| Dick, | Kane, | Sarge, | Wood, N., |
| Dix, | Kline, | Schrock, | Woodside, |
| Donahue, | Knoble, | Seif, | Yeakel, |
| Ely, | Kowalski, | Serrill, | Turner, |
| Ewing, | Krise, | Shearer, | Speaker. |
| Fisher, | Lee, | | |

NAYS—50

| | | | |
|---|---|---|---|
| Achterman, | Falkenstein, | Mihm, | Schrope, |
| Allmond, | Finnerty, | Mooney, | Schwab, |
| Andrews, | Harkins, | Munley, | Shaw, |
| Baker, | Hess, | O'Connor, | Stank, |
| Balthaser, | Hoffman, S. K., | O'Neill, | Tarr, |
| Boles, | Holland, | Powers, | Thompson, E. F., |
| Brown, H. S., | Keenan, | Preston, | Tronzo, |
| Burris, | Kenehan, | Regan, | Weiss, |
| Check, | Kilroy, | Rooney, | Welsh, E. B., |
| Chervenak, | Levy, | Rosenfeld, | Welsh, M. J., |
| Cohen, H. B., | Lovett, | Rothenberger, | Westrick, |
| Corrigan, | Malone, | Sarraf, | Williams, |
| Downey, | Melchiorre, | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 10.

An Act to amend certain appropriation items contained in section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine."

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 1, by inserting after the word "Laws" the word "page"; also page 10, line 13, by striking out after the word "agency" the words "except the Pennsylvania Liquor Control Board"; also in line 19 by striking out the light-faced bracket before the word "the"; also in same line by striking out the light-faced bracket after the word "Board"; also by striking out beginning with line 26 the following:

"For the purchase of fuel water gas steam and electric current and necessary devices for the reception and use of same and for alterations materials supplies repairs equipment renovations and improvements to for or on the State Capitol buildings the public grounds and buildings connected with the State Capitol the Publications Building the Executive Mansion the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and any buildings or monuments of historical interest located anywhere in the Commonwealth [except the Liquor Control Board Office Building in Harrisburg] for the payment of rents fuel water gas steam electric current and any necessary alterations for any buildings offices or storage space in the city of Harrisburg required for the accommodation of departments supported from the General Fund which had heretofore been provided entirely with space in the Capitol Buildings the sum of five hundred fifty thousand dollars ($550,000)."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, while I have no objection to the particular amendments inserted by the Senate the bill itself generally is so obnoxious that I cannot see my way clear to vote for it.

I call attention to the members of the House that it is a severe blow to that class of unfortunates in Pennsylvania who are indeed entitled to our pity, sympathy and assistance, particularly those who are seeking admission either to tubercular hospitals or insane asylums. I would point out to the members of this House that the Democratic administration realizing and recognizing the grave need for expansion of our institutions appropriated approximately sixty-five million dollars. It required somewhat over a year, possibly a year and a half, to construct these buildings, and additional appropriations were necessary for equipment and operation. We have now had about seventeen months of Republican administration and not one thing has been done by that administration to use the facilities which we constructed for them to use. Certainly we can not rob one class that is in such grave and dire need for the benefit of another class. Certainly the amount of money that you are saving here for relief could be secured from other sources; certainly you are not meeting one of the fundamental requirements of our government. You should be brave enough to say you do not intend to assume one of the responsible duties of government, the care of those unfortunates who are insane. You should say to your communities, "Yes, we are dropping this governmental activity, we are going to hand it back to the communities." That in effect is certainly what you have done. You have only met about fifty percent of that problem, and until you do assume all of it you ought to be brave enough to say to your communities, "We do not intend to take care of the insane." You should also be brave enough to go to your communities and say, "We do not intend to take care of the tubercular." You are certainly robbing a particular class that deserves your attention, deserves your consideration, deserves everything that any individual has a right to expect from his government. I am charging that your administration has failed in its duty in not completing, and by completing I mean equipping these hospitals, so that the unfortunates can be taken care of. Consequently I say to the members on this side of the House, refuse to be a party to this act which deserves the condemnation of our citizenry, and vote "no" as your evidence of protest.

Mr. WOODSIDE. Mr. Speaker, the passage of this bill will not result in any person's being denied the care and treatment that he would have received if this bill were not passed. The passage of this bill has no effect upon the treatment of any of the insane or the tubercular in the future for reasons which were definitely stated when the bill was before the House previously.

Mr. ACHTERMAN. Mr. Speaker, I am frank to say that the passage of this bill is a continuance of the dilatory treatment of a class which deserves a far better measure of attention and care from our people, and I agree with the gentleman to that extent.

On the question recurring,

Will the House agree to the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—121

| | | | |
|---|---|---|---|
| Ackermann, | Fisher, | Lee, | Sloan, |
| Alspach, | Fiss, | Leisey, | Snyder, |
| Atkins, | Fleming, | Leydic, | Sollenberger |
| Auker, | Foor, | Lichtenwalter, | Stambaugh, |
| Balliet, | Freed, | Lyons, | Stewart, |
| Bardes, | Fullerton, | Madden, | Stockham, |
| Bennett, | Gates, | Marr, | Sweeney, |
| Boose, | Gillan, | McClester, | Tahl, |
| Bower, | Gillette, | McGarrity, | Taylor, |
| Boyd, | Goll, | McKinney, | Terry, |
| Bretherick, | Habbyshaw, | McNally, | Thistle, |
| Bronson, | Haines, | McVay, | Thompson, G.R., |
| Brown, S. W., | Hall, | Montgomery, | Tiemann, |
| Brunner, | Harbeson, | Moser, F. S., | Trout, |
| Cadwalader, | Haudenshield, | Muir, | VanAllsburg, |
| Calvin, | Henry, | O'Dare, | Van Belle, |
| Carpenter, | Hewitt, | Peacock, | Voorhees, |
| Christler, | Hocke, | Peale, | Wagner, |

| | | | |
|---|---|---|---|
| Clark, | Hoffman, J. N., | Reagan, | Watkins, |
| Clearwater, | Hoyt, | Reese, D. P., | Webster, |
| Cook, | Huntley, | Riley, | Wilkinson, |
| Cooper, | Imbrie, | Robertson, | Wilson, |
| Cordier, | Irvin, | Roseberry, | Winner, |
| Cortese, | James, | Royer, | Wood, H. M., |
| Curran, | Johnston, | Sarge, | Wood, L. H., |
| Dalrymple, | Jones, | Schrock, | Wood, N., |
| Dick, | Kane, | Seif, | Woodside, |
| Dix, | Kline, | Serrill, | Yeakel, |
| Donahue, | Knoble, | Shearer, | Turner, |
| Ely | Kowalski, | Simons, | Speaker. |
| Ewing, | Krise, | | |

NAYS—56

| | | | |
|---|---|---|---|
| Achterman, | Denman, | Lovett, | Rothenberger, |
| Allmond, | Donohoe, | Malloy, | Sarraf, |
| Andrews, | Downey, | McLane, | Schrope, |
| Baker, | Falkenstein, | Melchiorre, | Schwab |
| Balthaser, | Finnerty, | Mihm, | Shaw, |
| Boles, | Harkins, | Mooney, | Stank, |
| Boney, | Hess, | Munley, | Tarr, |
| Brown, H. S., | Hindman, | O'Connor, | Thompson, E. F., |
| Burns, | Hoffman, S. K., | O'Neill, | Tronzo, |
| Burris, | Holland, | Powers, | Weiss, |
| Check, | Jirolanio, | Preston, | Welsh, E. B., |
| Chervenak, | Kenehan, | Readinger, | Welsh, M. J., |
| Cohen, H. B., | Kilroy, | Rooney, | Westrick, |
| Corrigan, | Levy, | Rosenfeld, | Williams, |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 10.

An Act to amend certain appropriation items contained in section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine."

HOUSE BILL No. 3.

An Act transferring money from the State School Fund to the General Fund requiring the State Council of Education to liquidate the investments in the State School Fund and providing for the subsequent return from the General Fund of the transferred money.

HOUSE BILL No. 14.

An Act to amend paragraph (a) of and to add a new paragraph (1) to section two thousand four hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by imposing upon the Department of Property and Supplies the power and duty to supervise and operate the Northwest Office Building now occupied by the Pennsylvania Liquor Control Board and providing that such civil service employes of the board as are necessary for the cleaning care preservation and protection of such building and the furnishings records and other matters therein and the operation of its mechanical plants shall perform their duties under the supervision of the Department of Property and Supplies.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

The SPEAKER. In recognition of the long service in this House by the gentleman from Somerset, Mr. Schrock, who is voluntarily leaving at the end of this Session, I ask him now to take the chair for a few moments.

## MR. SCHROCK IN THE CHAIR

## ADDRESS BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, during the Special Session I have heard a great many members ask questions concerning relief and other matters concerning the state government which I feel could have been answered if they had gone to the Joint State Government Commission where we have been endeavoring to set up a research bureau to gather statistics on information of value to all the members of the Legislature. In the course of debate in the Senate I have heard questions asked which could very easily have been answered if the gentlemen had taken the trouble to make inquiry. So, lest the members have not read the pamphlet prepared by the Joint State Government Commission explaining the program, plans and history of the Commission, I would ask the indulgence of the House for just a few minutes to call it to their attention, in the hope that between now and the 1941 regular session those of you who are coming back, and I hope all of you will come back in just the same proportion as we are now—will make use of the facilities which we have been endeavoring to set up.

I think it is as fine a collection of information pertaining to relief as will be found in any one spot or under any one organization in this whole country. We have gathered the laws of all the states, and a mass on data pertaining to expenditures and classifications. We have tried to break down the expenditures in Pennsylvania so that they will be available at any time to the members. The Joint State Government Commission should not be regarded as merely something that is available to the members of the Commission only; it should be of service to the Legislature in the same sense that the Legislative Reference Bureau is of service to them.

There is a tremendous amount of work being carried on. A few weeks ago I said to the Governor, "I wish you would come upstairs to the third floor some day and see just exactly what we are doing." Unfortunately he took it literally and came up at a time when everybody was out for

lunch except the Secretary of the Commission and a member of the Commission who was taking a little interim nap, and one of the employees who was devoting some of his lunch hour to the reading of a magazine. That was a terrible position for me to be put into by the Governor, and I am sure that if he had come at any other time when the sub-committees were working he would have found a very busy place.

We have a sub-committee on departmental organization of which Mr. Habbyshaw is the Chairman. That committee has been meeting, I think I can say almost every week, interviewing departments constituting the govermental organization. We have a committee on taxes, and the time of that committee so far has been taken up mostly with the study of taxes in Pennsylvania, and the gathering of information, but I am certain that after this Special Session that committee is going to rapidly develop its work so that it may be ready for the 1941 session.

The work on unemployment compensation was turned over to a Commission created to study merit ratings. That Commission had one part of it and the committee felt it would be better to turn it over to Senator Heyburn's commission which was appointed in 1939.

There is a committee on departmental procedure practice which many of us think is one of the most important pieces of work that can be done. There is a committee on relief under the expert in the House of Representatives, Mr. Van Allsburg. That committee has worked continuously since the session adjourned in 1939, or at least since the Commission was appointed and started to function. So, I want to again say that I trust you men will avail yourself of the facilities of the Commission and that we can build something here in Pennsylvania that will be constructed, and will give the members of the Legislature an opportunity to intelligently approach many of the serious problems that are confronting the state. I thank you.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Somerset for presiding.

## SENATE MESSAGES

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 15.

An Act to amend section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the filling of vacancies occurring in either house of the General Assembly whether or not it be in session at the time of the happening of such vacancies.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 12, by inserting after the word "and" the word "shall"; also same page, line 14, by inserting after the word "expedient" the words "but which shall not be less than thirty (30) days after the issuance of said writ."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. LONG. Mr. Speaker, the amendments inserted by the Senate answer the objections I made to the bill when it came up for final passage in the House. If you will read the amendment you will find it makes issuance of the writ of election mandatory and also sets a reasonable thirty day period before the election may be called. I, therefore, urge the members to pass the bill as it is now a good bill.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

| | | | |
|---|---|---|---|
| Achterman, | Downey, | Levy, | Schrope, |
| Ackermann, | Ely, | Leydic, | Schwab, |
| Allmond, | Ewing, | Lichtenwalter, | Seif, |
| Alspach, | Falkenstein, | Long | Serrill, |
| Andrews, | Fisher, | Lovett, | Shaw, |
| Atkins, | Fiss, | Lyons, | Shearer, |
| Auker, | Fleming, | Madden, | Simons, |
| Baker, | Foor, | Malloy, | Skale, |
| Balliet, | Freed, | Marr, | Sloan, |
| Balthaser, | Fullerton, | McClester, | Snyder, |
| Bardes, | Furman, | McGarrity, | Sollenberger, |
| Bennett, | Gates, | McKinney, | Stambaugh, |
| Boies, | Gillan, | McLane, | Stank, |
| Boney, | Gillette, | McNally, | Stewart, |
| Boorse, | Goll, | McVay, | Stockham |
| Boose, | Habbyshaw, | Melchiorre, | Sweeney, |
| Bower, | Haines, | Mihm, | Tahl, |
| Boyd, | Hall, | Montgomery, | Tarr, |
| Brancato, | Harbeson, | Mooney, | Taylor, |
| Bretherick, | Harkins, | Moser, F. S., | Terry, |
| Broad, | Haudenshield, | Moser, J. L., | Thistle, |
| Bronson, | Henry, | Muir, | Thompson, E. F., |
| Brown, H. S., | Hess, | Munley, | Thompson, G. R., |
| Brown, S. W., | Hewitt, | O'Brien, | Tiemann, |
| Brunner, | Hindman, | O'Connor, | Tronzo, |
| Burris, | Hocke, | O'Dare, | Trout, |
| Cadwalader, | Hoffman, J. N., | O'Neill, | VanAllsburg, |
| Calvin, | Hoffman, S. K., | Peacock, | Van Belle, |
| Carpenter, | Holland, | Peale, | Voorhees, |
| Check, | Hoyt, | Powers, | Wagner, |
| Chervenak, | Huntley, | Preston, | Watkins, |
| Christler, | Imbrie, | Readinger, | Webster, |
| Clark, | Irvin, | Reagan, | Weiss, |
| Clearwater, | James, | Reese, D. P., | Welsh, E. B., |
| Cohen, H. B., | Jirolanio, | Regan, | Welsh, M. J., |
| Cohen, R. E., | Johnston, | Reynolds, | Westrick, |
| Cook, | Jones, | Rider, | Wilkinson, |
| Cooper, | Kane, | Riley, | Williams, |
| Cordier, | Keenan, | Robertson, | Wilson, |
| Corrigan, | Kenehan, | Rooney, | Winner, |
| Cortese, | Kilroy, | Roseberry, | Wood, H. M., |
| Curran, | Kline, | Rosenfeld, | Wood, L. H., |
| Dalrymple, | Knoble, | Rothenberger, | Wood, N., |
| Denman, | Kowalski, | Royer, | Woodside, |
| Dick, | Krise, | Sarge, | Yeakel, |
| Dix, | Lee, | Sarraf, | Turner, |
| Donahue, | Leisey, | Schrock, | Speaker |
| Donohoe, | | | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 13.

An Act to amend clause (u) of section four of the act approved the fifth day of December one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven page two thousand eight hundred ninty-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by redefining for certain purposes of the act the term "wages."

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 21, by striking out after the word "cash" the words "Provided however That" and inserting in lieu thereof the words "except that"; also in line 23 by striking out after the word "include" the words "that part of" and inserting in lieu thereof the following:

"(1) That part of"; also on page 3, line 3, by inserting after the word "during" the words "or for"; also by inserting after the word "thereafter" in line 6, the following:

"(2) The amount of any payment made to or on behalf of an employe under a plan or system established by an employer which makes provision for his employes generally or for a class or classes of his employes (including any amount paid by an employer for insurance or annuities or into a fund to provide for any such payment) on account of (A) retirement or (B) sickness or accident disability or (C) medical and hospitalization expenses in connection with sickness or accident disability or (D) death provided the employe (I) has not the option to receive instead of provision for such death benefit any part of such payment or if such death benefit is insured any part of the premiums (or contributions to premiums) paid by his employer and (II) has not the right under the provisions of the plan or system or policy of insurance providing for such death benefit to assign such benefit or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer.

(3) The payment by an employer (without deduction from remuneration of the employe) of the tax imposed upon an employe under section one thousand four hundred (1400) of the Federal Internal Revenue Code.

(4) Dismissal payments which the employer is not legally required to make."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I desire to interrogate the gentleman from Lancaster, Mr. Trout.

The SPEAKER. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. TROUT. I shall, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, can the gentleman from Lancaster explain in detail the effect of the amendments inserted by the Senate?

Mr. TROUT. Mr. Speaker, the bill as originally drawn and as it passed the House took care of wages above three thousand dollars for any one year. As far as unemployment compensation is concerned the amendment as inserted by the Senate is an exact copy of the Federal Act, and is inserted to make the state law comply with the Federal Act.

Mr. ACHTERMAN. Mr. Speaker, would the gentleman please tell me what the particular amendment does rather than to what it conforms?

Mr. TROUT. Mr. Speaker, I am not entirely familiar with these amendments insofar as their effect goes other than it does comply with the Federal Act.

Mr. Speaker, I yield to the gentleman from Dauphin, Mr. Woodside.

Mr. WOODSIDE. Mr. Speaker, the effect of this will be to reduce the total amount of payments which will have to be made by business in Pennsylvania, but at the same time will not reduce any benefits which any of the people of Pennsylvania would receive.

The provision that was in the bill when it passed the House was the definition of wages contained in section 1607 of the Internal Revenue Code, paragraph b, sub-paragraph 1. The Senate further defined the word "wages," so that it now conforms with the said section and paragraph by adding thereto sub-paragraphs 2, 3 and 4, as contained in section 1607 of the Federal Act. It will have not only the advantage of saving money to the employers of Pennsylvania without reducing the amount of money to the employes of Pennsylvania, but it will also put the bill in a slightly better technical position by being exactly in accord with the Federal Act.

Mr. ACHTERMAN. Mr. Speaker, can the gentleman from Dauphin tell me what exemptions are made by the Senate amendments?

Mr. WOODSIDE. Mr. Speaker, the gentleman can gather them by reference to the act. For example, under section 2, the amount of payment made to an employe, where there is retirement, sickness or medical and hospitalization expenses, and it goes on down through the line. The gentleman can read it in the act as well as I can read it to him.

The act as originally drawn required employers to make payments which they were not legally required to make. In other words various payments were made to employes which were really not directly a part of their wages, and in this act they do not have to pay taxes on them. As long as the Federal government is setting it up this way it seems to me it would be much better form to follow the exact wording of the Federal Act, which has been done by the combination of the bill as it passed the House and the amendments which were put in by the Senate.

Mr. ACHTERMAN. Mr. Speaker, I call the gentleman's attention to page 4, section 3, or rather paragraph 3. Will the gentleman explain what taxes he refers to as related to the Federal Internal Revenue Code?

Mr. WOODSIDE. Mr. Speaker, is the gentleman referring to section 1402, which is the one relating to 1400?

Mr. ACHTERMAN. Mr. Speaker, I am referring to page 4, line 3, and I presume that is sub-section 3. I may be in error as to the sub-section.

Mr. WOODSIDE. Section 3 provides for

"The payment by an employer (without deduction from remuneration of the employe) of the tax imposed up an employe under section 1400,"

which is section 1400 of the Federal Internal Revenue Code.

I will read section 1400 of the Code:

"In addition to other taxes, there shall be levied, collected, and paid upon the income of every individual a tax equal to the following percentages of the wages (as defined in section 1426 (a)) received by him after December 31, 1936, with respect to employment (as defined in section 1426 (b)) after such date:

"(1) With respect to wages received during the calendar years 1939, 1940, 1941, and 1942, the rate shall be 1 per centum.

"(2) With respect to wages received during the calendar years 1943, 1944, and 1945, the rate shall be 2 per centum.

"(3) With respect to wages received during the calendar years 1946, 1947, and 1948, the rate shall be 2½ per centum.

"(4) With respect to wages received from December 31, 1948, the rate shall be 3 per centum.

Sec. 1401. Deduction of tax from wages.

"(a) Requirement. The tax imposed by section 1400 shall be collected by the employer of the taxpayers, by deducting the amount of the tax from the wages as and when paid."

In other words, the old age pension clause and things of that sort. They do not have to pay a tax on the tax but they do have to pay the old age pension, and in the language of the layman I think that is about what it boils down to. This exempts the employers of Pennsylvania from paying a tax upon a tax which they pay for old age pension.

Mr. ACHTERMAN. Mr. Speaker, does the gentleman mean to say that it is a tax that the employer pays on old age pension?

Mr. WOODSIDE. Mr. Speaker, I think the question was answered properly, maybe not fully.

Mr. ACHTERMAN. Mr. Speaker, may I have it fully?

Mr. WOODSIDE. Mr. Speaker, the gentleman asked me as I recall it, on what the employers of Pennsylvania were exempted from paying tax under sub-paragraph 3 contained on page 4 of House Bill No. 13, Printer's No. 27. In answer to that I think I stated that they were exempted from paying a tax upon the tax which they paid to the federal government as social security for old age benefits. I think that is the exact story, where the employer pays a tax and does not deduct it from the employe, he is exempt from paying a tax upon that tax.

Mr. ACHTERMAN. Mr. Speaker, does section 1400 of the Federal Internal Revenue Code include any other taxes than old age pension taxes?

Mr. WOODSIDE. Mr. Speaker, I will read to the gentleman the section as it appears in the Code which I have here before me, as follows:

"In addition to other taxes, there shall be levied, collected, and paid upon the income of every individual a tax equal to the following percentages of the wages (as defined in section 1426 (a)) received by him after December 31, 1936, with respect to employment (as defined in section 1326 (b)) after such date:

"With respect to wages received during the calendar years 1939, 1940, 1941, and 1942, the rate shall be 1 per centum.

"(2) With respect to wages received during the calendar years 1943, 1944, and 1945, the rate shall be 2 per centum.

"(3) With respect to wages received during the calendar years 1946, 1947, and 1948, the rate shall be 2½ per centum.

"(4) With respect to wages received after December 31, 1948, the rate shall be 3 per centum."

That tax which is assessed upon the employers would under the law as it exists now be calculated in figuring the amount upon which the unemployment compensation tax is paid. Under the amendment they do not need to calculate that or not need use it in arriving at the amount of taxes due. It will naturally result in some saving to the taxpayers.

Mr. ACHTERMAN. Mr. Speaker, in sub-section 2, do I understand that the employer is exempt from insurance premiums that he might pay for the protection of his employes?

Mr. WOODSIDE. Mr. Speaker, he does not have to pay a tax on that; he is exempt from the payment of the unemployment tax on that money, yes.

Mr. ACHTERMAN. Mr. Speaker, although that may be a form of payment of wages to an employe. Is that correct?

Mr. WOODSIDE. Mr. Speaker, the Federal Act says it is not wages.

Mr. ACHTERMAN. Mr. Speaker, will the gentleman from Dauphin give me a detailed explanation or exemple of the operation of sub-section 2?

Mr. WOODSIDE. Suppose a company has a retirement system under which they pay so much wages to a person and pay so much more into another fund for retirement, or suppose they have a sick fund into which they pay a certain amount to their employes and pay so much money into a sick or accident fund, under the laws as they exist today on this money that is set aside for the employes the Federal Government says it is not necessary to pay taxes but under the state law we have levied a tax on it. They do not get anything out of it, there is no reduction of benefits which they receive, but our employers have to pay taxes on it, and our employers should not have to pay more taxes than the Federal Act requires. They ought not to have to pay taxes into a fund when the employes of Pennsylvania do not receive any additional benefits as a result of those payments. You can well see that the taxes upon these additional funds which we are compelling the employers of Pennsylvania to pay are taxes from which the employes in Pennsylvania receive no benefits. The Federal Act definitely states that, and we are only putting this act in accord with the Federal Act. I know that the gentleman's party resents very much the opportunity of anybody to reduce taxes. They are not for that, and the fact that there may be a saving in taxes is repulsive to the thoughts of the gentlemen on the other side. We all know that and I am very much surprised that the Federal Act passed by a Democratic Congress and signed by the President in Washington is not satisfactory to the gentlemen on the other side here.

Mr. ACHTERMAN. Mr. Speaker, has the gentleman the Federal Code before him containing that clause, sub-section 2?

Mr. WOODSIDE. I do, Mr. Speaker.

Mr. ACHTERMAN. Mr. Speaker, will the gentleman read it for the benefit of the members of the House?

Mr. WOODSIDE. I will, Mr. Speaker. It is as follows:

"(2) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his

employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical and hospitalization expenses in connection with sickness or accident disability, or (D) death, provided the employee (I) has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his employer and (II) has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit, or to receive a cash consideration in lieu of such benefit either upon his withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his employment with such employer."

Mr. ACHTERMAN. Mr. Speaker, I wish to thank the gentleman from Dauphin.

Just in brief reply to the remarks of the gentleman from Dauphin may I say that the interests of our party has always been for the protection of the employees, and I regret very much that the majority party, while they saw fit to amend the unemployment insurance act did not prevail upon their Governor to make the call broad enough so that we might have given to the employees the same benefits they have been so kindly interested in giving to the employers.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | Leisey, | Schrock, |
| Ackermann, | Downey, | Levy, | Schrope, |
| Allmond, | Ely, | Leydic, | Schwab, |
| Alspach, | Ewing, | Lichtenwalter, | Seif, |
| Andrews, | Falkenstein, | Long, | Serrill, |
| Atkins, | Finnerty, | Lovett, | Shaw, |
| Auker, | Fisher, | Lyons, | Shearer, |
| Baker, | Fiss, | Madden, | Simons, |
| Balliet, | Fleming, | Malloy, | Skale, |
| Balthaser, | Foor, | Marr, | Sloan, |
| Bardes, | Freed, | McChester, | Snyder, |
| Bennett, | Fullerton, | McGarrity, | Sollenberger, |
| Boles, | Furman, | McKinney, | Stambaugh, |
| Boney, | Gates, | McLane, | Stank, |
| Boorse, | Gillan, | McNally, | Stewart, |
| Boose, | Gillette, | McVay, | Stockham, |
| Bower, | Goll, | Melchiorre, | Sweeney, |
| Boyd, | Habbyshaw, | Mihm, | Tahl, |
| Brancato, | Haines, | Montgomery, | Tarr, |
| Bretherick, | Hall | Mooney | Taylor, |
| Broad, | Harbeson, | Moser, F. S., | Terry, |
| Bronson, | Harkins, | Muir, | Thistle, |
| Brown, H. S., | Haudenshield, | Munley, | Thompson, E. F., |
| Brown, S. W., | Henry, | O'Brien, | Thompson, G.R., |
| Brunner, | Hess, | O'Connor, | Tiemann, |
| Burns, | Hewitt, | O'Dare, | Tronzo, |
| Burris, | Hindman, | O'Neil | Trout, |
| Cadwalader, | Hocke, | Peacock, | VanAllsburg, |
| Calvin, | Hoffman, J. N., | Peale, | Van Belle, |
| Carpenter, | Hofman, S. K., | Powers, | Voorhees, |
| Check, | Holland, | Preston, | Wagner, |
| Chervenak, | Hoyt, | Readinger, | Watkins, |
| Christler, | Huntley, | Reagan, | Webster, |
| Clark | Imbrie, | Reese, D. P., | Weiss, |
| Clearwater, | Irvin, | Regan, | Welsh, E. B., |
| Cohen, H. B., | James, | Reynolds, | Welsh, M. J., |
| Cohen, R. E., | Jirolanio, | Rider, | Westrick, |
| Cook, | Johnston, | Riley | Wilkinson, |
| Cooper, | Jones, | Robertson, | Williams, |
| Cordier, | Kane, | Rooney, | Wilson, |
| Corrigan, | Keenan, | Rose, | Winner, |
| Cortese, | Kenehan, | Roseberry, | Wood, H. M., |
| Curran, | Kilroy, | Rosenfeld, | Wood, L. H., |
| Dalrymple, | Kline, | Rothenberger, | Wood, N., |
| Denman, | Knoble, | Royer, | Woodside, |
| Dick, | Kowalski, | Sarge, | Yeakel, |
| Dix, | Krise, | Sarraf, | Turner, |
| Donahue, | Lee, | | Speaker. |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 13.

An Act to amend clause (u) of section four of the act approved the fifth day of December one thousand nine hundred thirty-six (Pamphlet Laws of one thousand nine hundred thirty-seven page two thousand eight hundred ninety-seven) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by redefining for certain purposes of the act the term "wages"

HOUSE BILL No. 15.

An Act to amend section six hundred twenty-eight of the act approved the third day of June one thousand nine hundred thirty-seven (Pamphlet Laws one thousand three hundred thirty-three) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by providing for the filling of vacancies occurring in either house of the General Assembly whether or not it be in session at the time of the happening of such vacancies

Whereupon,

The SPEAKER, in the presence of the House signed the same.

## SENATE MESSAGE

### AMENDED BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 22.

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and conferring powers and imposing duties on the Pennsyl-

vania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

With the information that the Senate has passed the same with amendments, in which the concurrence of House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 11 by inserting after the word "by" the words "the Governor and".

Amend Section 4, page 3, line 26, by striking out the word "them" and inserting in lieu thereof the words "this act to said commission".

Amend Section 9, page 13, line 5, by inserting after the word "pending" the words "Provided however That the commission shall make reimbursement for any actual damages resulting to such lands waters and premises as a result of such activities".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | Leisey, | Schrope, |
| Ackermann, | Downey, | Levy, | Schwab, |
| Allmond, | Ely, | Leydic, | Seif, |
| Alspach, | Ewing, | Lichtenwalter, | Serrill, |
| Andrews, | Falkenstein, | Long, | Shaw, |
| Atkins, | Finnerty, | Lovett, | Shearer, |
| Auker, | Fisher, | Lyons, | Simmons, |
| Baker, | Fiss, | Madden, | Skale, |
| Balliet, | Fleming, | Malloy, | Sloan, |
| Balthaser, | Foor, | Marr, | Snyder, |
| Bardes, | Freed, | McClester, | Sollenberger, |
| Bennett, | Fullerton, | McGarrity, | Stambaugh, |
| Boles, | Furman, | McKinney, | Stank, |
| Boney, | Gates, | McLane, | Stewart, |
| Boorse, | Gillan, | McNally, | Stockham, |
| Boose, | Gillette, | McVay, | Sweeney, |
| Bower, | Goll, | Melchiorre, | Tahl, |
| Boyd, | Habbyshaw, | Mihm, | Tarr, |
| Brancato, | Haines, | Montgomery, | Taylor, |
| Bretherick, | Hall, | Mooney, | Terry, |
| Broad, | Harbeson, | Moser, F. S., | Thistle, |
| Bronson, | Harkins, | Muir, | Thompson, E. F., |
| Brown H. S., | Haudenshield, | Munley, | Thompson, G. R., |
| Brown, S. W., | Henry, | O'Brien, | Tiemann, |
| Brunner, | Hess, | O'Connor, | Tronzo, |
| Burns, | Hewitt, | O'Dare, | Trout, |
| Burris, | Hindman, | O'Neill, | VanAllsburg, |
| Cadwalader, | Hocke, | Peacock, | Van Belle, |
| Calvin, | Hoffman, J. N., | Peale, | Voorhees, |
| Carpenter, | Hoffman, S. K., | Powers, | Wagner, |
| Check, | Holland, | Preston, | Watkins, |
| Chervenak, | Hoyt, | Readinger, | Webster, |
| Christler, | Huntley, | Reagan, | Weiss, |
| Clark, | Imbrie, | Reese, D. P., | Welsh, E. B., |
| Clearwater, | Irvin, | Regan, | Welsh, M. J., |
| Cohen, H. B., | James, | Reynolds, | Westrick, |
| Cohen, R. E., | Jirolanic, | Rider, | Wilkinson, |
| Cook, | Johnston, | Riley, | Williams, |
| Cooper, | Jones, | Robertson, | Wilson, |
| Cordier, | Kane, | Rooney, | Winner, |
| Corrigan, | Keenan, | Rose, | Wood, H. M., |
| Cortese, | Kenehan, | Roseberry, | Wood, L. H., |
| Curran, | Kilroy, | Rosenfeld, | Wood, N., |
| Dalrymple, | Kline, | Rothenberger, | Woodside, |
| Denman, | Knoble, | Royer, | Yeakel, |
| Dick, | Kowalski, | Sarge, | Turner, |
| Dix, | Krise, | Sarraf, | Speaker. |
| Donahue, | Lee, | Schrock, | |

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 22.

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at the City of Philadelphia and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## RESOLUTIONS

### SYMPATHY EXTENDED

Messrs. ALSPACH, NORMAN WOOD, TROUT and ROYER offered a resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, May 16, 1940.

Hon. Benjamin C. Atlee, President Judge of the Court of Common Pleas of Lancaster County, died at his home in Millersville on May 14, 1940. He was born in Lancaster on September 18, 1872, and was descended from families for generations prominent in Lancaster professional life. He received his early education at Yeates Institute and was graduated from Franklin and Marshall College in 1891.

Judge Atlee successfully practiced law before the local Courts, and Appellate Courts and the Federal Courts from 1894 until November 6, 1930 when Governor Fisher appointed him Additional Law Judge. In 1931 he was elected without opposition for a full term and since September 1, 1932 has ably served as President Judge.

In 1938 Franklin and Marshall College conferred upon him the degree of Doctor of Laws in recognition of his outstanding ability and service to the community and to his profession.

His activities and philanthropies were wide, he being a member of the State and American Bar Associations, Trustee of the Lancaster Free Public Library, a member of the Lancaster General Hospital Board of Managers, a member of the Buchanan Foundation, president of the North Museum Commission and an active member and vestryman of St. John's Episcopal Church of Lancaster.

Judge Atlee was a fearless and upright judge and was well liked by all of the members of the Bar. He was an especial favorite of the younger members of the legal profession because of the fatherly advice and counsel which he gave them. The whole community has lost a worthy citizen.

Resolved, That the House of Representatives notes with regret the passing from this life of Judge Benjamin C. Atlee and extends to his family its profound sympathy.

And Be It Further Resolved That a copy of this resolution be transmitted by the Chief Clerk to his widow, Mrs. Anna L. Atlee, of Millersville, Pa.

## SYMPATHY EXTENDED

Messrs. EWING, HAUDENSHIELD, McVAY and COOPER offered a resolution which was read twice, considered and unanimously adopted:

In the House of Representatives, May 16, 1940.

On the 13th day of June, 1939, the Honorable Fred. C. Gangloff, a former member of this House, died at his home in Coraopolis in the County of Allegheny.

He was born in Allegheny County, April 13th, 1877, and, at the age of eighteen years, entered the employ of the Southwestern Pennsylvania Pipe Line Company, and continued with the same company throughout his life.

In 1915 he was elected a member of the Borough Council of Coraopolis, and reelected in 1919, after which he resigned and was appointed Chief Burgess of Coraopolis, and was elected to the same office in 1921. He was reelected in 1925 and at every election since then, serving as Chief Burgess until his death.

He was a director of the Coraopolis State Bank, and a director and president of the Coraopolis Home Building and Loan Association.

In 1930 he was elected a member of the House from the 12th district of Allegheny County, and served during the regular session of 1931, therefore be it

Resolved, That, in the death of our former member, the community in which he lived has lost an outstanding citizen, one who devoted all of his mature life to the public service, and whose constant thought was the welfare of the borough of which he was the executive head, and be it further

Resolved, That a copy of this resolution shall be printed in the Legislative Journal, and copies thereof transmitted to the immediate members of his family.

## CELEBRATING THE FOUNDING OF LEBANON

Mr. SARGE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted as follows:

In the House of Representatives, May 16, 1940.

Of the many hundreds of communities in this glorious Commonwealth of Pennsylvania, the City of Lebanon, located in the heart of the rich Lebanon Valley, was among the very first to be founded in pre-revolutionary days.

The heritages and traditions of the people of Lebanon are such as to warrant the proper celebration of the 200th Anniversary of the founding of the community.

His Excellency, the Governor of the Commonwealth of Pennsylvania, has deemed the celebration to be of such outstanding civic and social significance as to warrant his attendance on Tuesday, July 2nd; therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, recognizing the outstanding importance and magnitude of this enormous, colossal, monstrous, stupendous, mammoth, megatherian, cyclopean, brobdingnagian, gargantuan exhibition of fascinating, alluring, bewitching, entrancing, captivating, glamourous, ineffable, indescribable, fabulous, educational and historical pageantry which will be presented for its edification on July 2nd if it should attend, hereby expresses its keen desire to be present at this unprecedented celebration of the founding of Lebanon and hereby signifies its intention of so doing if possible; and be it further

Resolved, That the Chief Clerk of the House shall immediately notify the Mayor of the City of Lebanon of such plan so that fitting preparations can be made for its entertainment.

## SYMPATHY EXTENDED

Mr. REGAN offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, May 16, 1940.

John T. Davies, a former member of the House of Representatives from the first legislative district died February 23, 1940 in the West Side Hospital, Scranton, Pennsylvania.

He was born in Glen Neath, Wales, December 7, 1870, from which country he emigrated to the United States. He chose Scranton as his new home and resided there up to the time of his death.

As a young man he worked in the mines. Seeking an education, he enrolled at the Keystone Academy where his studies were interrupted by his enlistment and service in the Spanish-American War. After graduation from this Institution he taught for some time in the Scranton public schools.

Casting his hat in the political ring of the first legislative district in 1924, he announced his candidacy for, and was elected to, the House of Representatives, where he served with such distinction that the voters of his district saw fit to re-elect him for another term in 1926. On retiring from political activity Mr. Davies continued his prosperous real estate and insurance brokerage business and remained active in the fraternal and business affairs of the City of Scranton until the time of his death; therefore be it

Resolved, That the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania notes with regret his passing and the cessation of his work for the community in which he lived and extends to the members of his family its most sincere sympathy; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk of this House to Mrs. Louis Glass, 1014 N. Webster Ave., Scranton, Pennsylvania.

## SENATE MESSAGE

### RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, May 16, 1940.

It is hereby moved that the concurrent resolution introduced by Senator Haluska in the Senate on May 13, 1940, be amended to read as follows:

Whereas, The rule or regulation of the Department of Public Assistance requiring relief recipients to execute a bond as a condition precedent to receiving relief has been a source of controversy; and

Whereas, The General Assembly regards home ownership as one of the highest forms of good citizenship and wishes to encourage it in every conceivable manner; therefore be it

Resolved (if the House of Representatives concur), That the Secretary of Public Assistance is hereby directed to make a study and investigation of:

(1) The relative advantages and disadvantages to all concerned of the present rule or regulation requiring relief recipients to execute a reimbursement agreement as a condition precedent to qualifying for relief.

Resolved, That the Secretary of Public Assistance shall make a report of such study and investigation to the General Assembly at its next regular session, together with his recommendation, for its guidance on this subject.

Referred to the Committee on Rules.

## RESOLUTION INTRODUCED AND REFERRED

By Mr. MATTHEW J. WELSH. RESOLUTION No. 6.

In the House of Representatives, May 16, 1940.

Whereas in the administration of old age assistance by the Department of Public Assistance, many needy citizens are discriminated against or deprived of assistance for various technical reasons, such as necessity to depend on contributions from relatives who may have difficulty in supporting themselves on an American standard of living, or because of the ownership of small amounts of property, or insurance or the like, and

Whereas the purpose and object of old age assistance was humanitarian—to provide funds for the needy aged to live their own lives separately without being a burden on relatives or becoming public charges in a county home, an institution now being maintained only for those who need institutional care, and

Whereas it is believed generally by the public, that investigators, employed at comfortable salaries, are unduly technical in trying to ferret out reasons for the rejection of applications for old age assistance and for the discontinuance of aid to those who may have been receiving the same; and that as the result thereof many worthy aged are placed in dire distress, and

Whereas it is believed the rules and regulations of the Department of Public Assistance are more stringent than required by law and more stringent than required by the Social Security Board in order to receive Federal grants-in-aid for old age assistance; therefore be it

Resolved, That the House of Representatives assembled in Special Session, hereby requests the Department of Public Assistance to administer the Old Age Assistance Law in a spirit of equity and justice and to grant assistance to all the needy aged in order that they may enjoy such comforts as is the governmental duty of the state, assisted by the Federal Government, to provide for those who are unable to help themselves economically; and to so modify its rules and regulations as to be more stringent than required by the Social Security Board in order to receive Federal grants-in-aid:

Resolved that a copy of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Department of Public Assistance.

Referred to the Committee on Rules.

## ANNOUNCEMENTS

The Rules Committee will meet in the Speaker's office immediately.

Democratic Caucus will be held in the House Caucus Room immediately.

## RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess until 7:30 p. m. Are there objections? The Chair hears none and declares a recess until 7:30 p. m.

## AFTER RECESS

The House reconvened at 7:30 p. m.

The SPEAKER (Ellwood J. Turner) in the Chair.

## RESOLUTION

### MEMORALIZING CONGRESS TO PROVIDE ADEQUATE AIR DEFENSE

Messrs. DENMAN and MADDEN offered a resolution and asked and obtained unanimous consent to have it read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 16, 1940.

The latest cowardly assault made by the German Dictator upon three small neutral nations in Europe, emphasizes anew the necessity for adequate preparedness and emphasizes also the inescapable fact that the airplane is no longer an adjunct of military preparedness, but an all-important arm.

Even before the Nazi march into the Low Countries, military experts were made aware of this condition. Mussolini ferried soldiers across the Adriatic in air transports, Russia used the air to finally win over the outstanding bravery and endurance of the Finn, and the German Dictator found the airplane invaluable in his advance into Norway and in preventing the Allies from obtaining foothold therein.

The United States, England and France were warned in 1937 by one of the foremost, if not the foremost, aviator of the day, namely Colonel Charles A. Lindbergh, that the German and Russian air forces were superior to the air forces of all of the rest of the world combined. This warning was criticized, if not openly ridiculed. The newspapers were free with their open criticism of his statement, although they knew not of what they spoke. The air force heads of our Government and of England, and especially in the Navy Department, openly ridiculed the statements of Colonel Charles A. Lindbergh, and claimed that it was ridiculous to believe that an airplane bomber could sink a battleship. In 1937, after a tour of the world, and after careful study of facts made certain to him by visits to, and inspection of, airdromes and airplane manufacturing plants in all of the leading countries of the world, Colonel Charles A. Lindbergh warned the United States, England and France to build an air force at once, and advised the United States to build an air force second to none.

The suggestions of Colonel Lindbergh were not followed, and the naval authorities of both England and the United States continued their ridicule of Colonel Charles A. Lindbergh's statement. Two and one-half years have passed since that statement was made, and it is now evident that England is in grave danger because the "naval experts" have refused to believe that a bombing plane could exercise such tremendous strength as has been shown this year in the war in Europe.

The price that England and France must now pay for their past inertia will be evident to us for the next six months. They have now learned their bitter lesson, but perhaps it is too late. It is now time for us to profit by their experience—now is the time to make impossible the same experience for this country.

Germany alone has thirty-two thousand fighting planes of all types concentrated in Germany. United States has less than ten thousand fighting planes of all types, some of which are in insular possessions. Germany can produce as many as three thousand fighting planes per month. We can build seven hundred fifty during the same period, not including those sold to the Allies. The ground force of the Air Corps in Germany numbers over three hundred thousand, compared with the strength of our seventy-five thousand in our Army, Navy and Marine Corps.

Our anti-aircraft weakness is even more startling and alarming. The number of modern anti-aircraft guns here is approximately three hundred, while Hitler has at least two thousand of the same type.

The thing that yesterday seemed impossible, is today a present threat.

Our Eastern coast is open to invasion in case of war, and the same tactics that paralyzed Norway and the Low Countries, could be equally effective here.

Here in Pennsylvania, the big steel centers, now with no protection, would be the first object of attack.

We must not only increase our fighting air force to a point of efficiency higher than that of any European country, but the adequate protection of military airports must be at once provided for.

If we are to believe now that the German strength dis-

played in Europe is as Colonel Lindbergh said it was, then we not only must increase our fighting air force to a point of efficiency higher than that of any other Nation in the world, but we must have for the adequate protection of the Nation, Military airports of the highest quality.

We should step up production of military planes in this country to the point where we can have sufficient military planes available within the next year for defense purposes, and a suitable additional number of planes for defense of the Panama Canal and our insular possessions.

Our naval experts should discard their jealousy of the airplane, and cooperate with the Army and Marine forces to protect this Nation and its possessions from air attacks before they place this Nation in the position that the naval experts of England have placed their Nation; therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, That it is the opinion of the membership of this House that the Federal Government should at once take up the task of making the air power of the United States the strongest in the world, and to at once provide adequate defense against any invading air force that might attempt to repeat here the same kind of an attack that was launched against the small neutral nations of Europe; and be it further

Resolved, That it is the opinion of the membership of this House, That the Federal Government should at once develop defense airports in Western Pennsylvania to protect the manufacturing centers and population in that section, and, for the consideration of the said Federal Government, the airports at Latrobe, Butler and Pittsburgh are suggested as defense airports; and be it further

Resolved, That a copy of this Resolution shall be immediately transmitted by the Chief Clerk of the House to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives in Congress from this Commonwealth.

The SPEAKER. Under the Rules the resolution will be filed with the Clerk.

## PARLIAMENTARY INQUIRY

Mr. DENMAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Westmoreland will state his parliamentary inquiry.

Mr. DENMAN. Mr. Speaker, is it out of order to move for the adoption of this resolution at this time?

The SPEAKER. The gentleman is privileged to ask for unanimous consent for immediate consideration of the resolution.

Mr. DENMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Is there objection?

Mr. WOODSIDE. Mr. Speaker, under the practice followed during the regular session of not considering resolutions except privileged resolutions, before referring them to Committee, I am compelled to object.

The SPEAKER. The Chair hears objection, and consent is not granted.

Mr. DENMAN. Ordinarily, Mr. Speaker, I would be inclined to agree with the gentleman from Dauphin, Mr. Woodside, however, while we are at peace at the present time, we know not where we will be before the next session of the Legislature meets again. I think it is highly proper that this body go on record with the Congress of the United States as to our air forces and those in control to the effect that the Commonwealth of Pennsylvania desires adequate air protection for its steel centers and industries.

It is also highly proper, I feel, that the Commonwealth of Pennsylvania be protected from any invasion that might occur in this country. I think it is also highly proper for the people of this state to look to us as their representives to ask the Federal government for proper protection for our men, our women and our children, from such outrages as are occurring in Europe.

I, therefore, Mr. Speaker, renew my request for unanimous consent for the immediate consideration of this resolution.

The SPEAKER. The Chair hears objection and consent is not granted.

## RESOLUTION

### MEMORALIZING CONGRESS TO APPROVE SENATE BILL No. 1305 AND HOUSE BILL No. 3517

Mr. REUBEN E. COHEN offered a resolution and asked and obtained unanimous consent to have it read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 16, 1940.

Whereas, The public schools in America are a vital force in preserving and carrying on our democratic traditions, and whereas all American children are entitled to equal educational opportunities, and

Whereas, The burden of maintaining high standards in school programs is becoming increasingly difficult for some of our states and municipalities to bear since they do not all have equal resources for supporting an adequate educational system, and

Whereas, Several of our states and municipalities are in a precarious financial position resulting in stringent retrenchment and even in the closing of schools, thus causing a local problem so serious as to have become a matter of national concern, and

Whereas, There has been introduced into the United States Senate by Senator Thomas and Senator Harrison, and into House of Representatives by Congressman Larrabee, a bill to "promote the general welfare through appropriation of funds to assist States and Territories in providing more effective programs of public education." and

Whereas, This Federal Aid Bill (S 1305 and HR 3517) gives grants to states on the basis of the index of educational load and financial ability for Adult Education, Rural Library Services, Cooperative Educational Research and Demonstrations, and for the improvement of Public Elementary and Secondary Schools by improving Teacher Preparation, Construction of School Buildings, and Administration of State Departments of Education; now

Therefore Be It Resolved, That one copy of this resolution be forwarded to each of the following:

The President of the United States, Franklin D. Roosevelt.

Vice-President John N. Garner, President of the U. S. Senate.

Speaker Bankhead, House of Representatives.

Senator Elbert D. Thomas, Chairman, Senate Committee on Education and Labor.

Congressman William H. Larrabee, Chairman, House Committee on Education.

Senator Joseph F. Guffey.

Senator James J. Davis.

All members of the House delegation from Pennsylvania.

The SPEAKER. The resolution will be filed with the Clerk.

## SENATE MESSAGES

### AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1.

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-nine.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 2, page 2, line 23, by inserting after the word "as" the word "he"; also in the same line by striking out after the word "may" the words "be deemed" and inserting in lieu thereof the word "deem"; also on page 3, line 1, by striking out after the word "of" the words "two hundred thousand dollars ($200,000)" and inserting in lieu thereof the following: "one hundred fifty thousand dollars ($150,000)"; also in line 4 by striking out the words "seven hundred twenty thousand dollars ($720,000.)" and inserting in lieu thereof the following "five hundred fifty thousand dollars ($550,000)."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. HERBERT B. COHEN. Mr. Speaker, I find myself in a somewhat paradoxical position. I might state that I'm not being gored by two horns of a dilemma because I have definitely made up my mind what my personal reaction is to this particular bill as it is now amended.

I remember in the regular Session of 1939, that the gentleman from Greene, the former Speaker of this House, commented on some of the actions of the Republican majority as "peanut politics." I cannot find a phrase that more fittingly describes the actions of the majority in amending this bill. They have imposed upon the State Treasurer and the Auditor General responsibilities and duties, and by the same token, after some cogitation and introspection, they come to the conclusion that 1940 being an election year, and possibly having in some way gotten the underground reaction to what has been previously done, they have decided that their position can be materially benefited by reducing the appropriations to the Democratic departments for the performance of their duties, and thereby they think they will restrict the paid employes of those Departments so that the possibility of utilizing them in an effort to win the election will be obviated. That, as the gentleman from Greene said, was "peanut politics."

Nevertheless I find myself in the paradoxical position that I must recommend to the membership of the House the enactment of this legislation, because in the same bill in which they are destroying the appropriations to the Treasurer and the Auditor General, they are making appropriations to the needy of the Commonwealth. We find in this bill exactly the same actions that epitomize the Governor's call for this particular legislative session. We are given an opportunity to vote for this bill, with its "peanut politics" on one hand, or to deprive the needy of Pennsylvania of funds that they justifiably need, on the other just as in the Governor's call we were given the opportunity of taking the Governor's program as he outlined it, or allow the millions of needy in Pennsylvania to starve. Right now in this Commonwealth the legislative action of their representatives has been shackled; shackled by the very call that summoned this session, and shackled now in the presentation of this very bill.

I remember not long ago that you of the opposition criticized the Democratic majority as a rubber stamp majority. I recall that there would emanate from the other side criticisms indicating that the policies of the Commonwealth of Pennsylvania were being dominated entirely by the Executive. I defy any man with any length of service in this House to point to a situation which in any way compares to or emulates the situation with which we are today confronted in the enactment of this program. Not one opportunity to exercise our legislative perrogative; not one opportunity to dot an "i" or cross a "t" in the program submitted by the Governor. We have been disenfranchised. Every member of this House has surrendered his legislative right to the executive, both in the call and in this bill. I say to you when the Executive by the manner in which he presents the call to this House, by the manner in which legislation is drawn, takes from the membership every legislative right, as the Governor has taken from the membership their legislative right, it indicates a situation that calls for remedy. However, as I said, we are confronted here with a proposition of enacting this appropriation as it stands now or be recorded as being opposed to relief.

I recommend to the membership of this House, difficult as it is, that they vote to concur in the amendments placed in this bill by the Senate.

Mr. WOODSIDE. Mr. Speaker, the Senate in the exercise of its legislative perrogative amended this bill. The thing about which the gentleman from York is complaining is the change in the appropriation to the Department of the Auditor General and the State Treasurer. The reason for it he distinctly left out of the bag when he talked about what had been previously done with appropriations made to a Department of his party.

Whether the reduction is justified or not I think it can be definitely established by these figures: Act 28-A of the 1939 Session, which was the relief appropriation, as finally enacted into law and approved by the Governor, made an appropriation of $120,940,000. The State Treasurer mailed out the checks expending that sum at a cost of $770,000. That was .63 percent of the appropriation which was the cost of writing and mailing the checks.

We are now making an appropriation of $71,850,000, and we are appropriating $550,000 to the State Treasurer for the performance of his task. This is .76 percent of the appropriation. In other words, in consideration of the amount which is being paid, which should be and is translated into the number of checks, which in turn is translated into the amount of work to be done, the amount appropriated in this bill is twenty percent higher than the Treasurer received to carry on this work in the past. I think that conclusively shows the people of Pennsylvania that we are treating the Treasury Department fairly in this matter.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

| | | | |
|---|---|---|---|
| Achterman, | Donohoe, | Leisey, | Scanlon, |
| Ackermann, | Downey, | Levy, | Schrock, |
| Allmond, | Eckels, | Leydic, | Schrope, |
| Alspach, | Ely | Lichtenwalter, | Schwab, |
| Andrews, | Ewing, | Long. | Seif, |
| Atkins. | Falkenstein, | Lovett, | Serrill, |
| Auker, | Finnerty, | Lyons, | Shaw, |
| Baker, | Fisher, | Madden, | Shearer, |
| Balliet, | Fiss, | Malloy, | Simons, |
| Balthaser, | Fleming, | Marr, | Skale, |
| Bardes, | Foor, | McClester, | Sloan, |
| Bennett, | Freed, | McGarrity, | Snyder, |
| Bohn, | Fullerton, | McKinney, | Sollenberger, |
| Boles, | Furman, | McLane, | Stambaugh, |
| Boney, | Gates, | McNally, | Stank, |
| Boorse, | Gillan, | McVay, | Stewart, |
| Boose, | Gillette, | Melchiorre, | Stockham, |
| Bower, | Goll, | Mihm, | Sweeney, |
| Boyd, | Habbyshaw, | Montgomery, | Tahl, |
| Brancato, | Haines, | Mooney, | Tarr, |
| Bretherick, | Hall, | Moser, F. S., | Taylor, |
| Broad, | Harbeson, | Muir, | Terry, |
| Bronson, | Harkins, | Munley, | Thistle, |
| Brown H. S., | Haudenshield, | O'Brien, | Thompson, E. F., |
| Brown, S. W., | Henry, | O'Connor, | Thompson, G. R., |
| Brunner, | Hess, | O'Dare, | Tiemann, |
| Burns, | Hewitt, | O'Neill, | Tronzo, |
| Burris, | Hindman, | Peacock, | Trout, |
| Cadwalader, | Hocke, | Peale, | VanAllsburg, |
| Calvin, | Hoffman, J. N., | Powers, | Van Belle, |
| Carpenter, | Hoffman, S. K., | Preston. | Voorhees, |
| Check, | Holland, | Readinger, | Wagner. |
| Chervenak, | Hoyt, | Reagan, | Watkins, |
| Christler, | Huntley, | Reese, D. P., | Webster. |
| Clark | Imbrie, | Reese, R. E. | Weiss, |
| Clearwater, | Irvin, | Regan. | Welsh, E. B., |
| Cohen, H. B., | James, | Reynolds, | Welsh, M. J., |
| Cohen, R. E., | Jirolanio, | Rhodes, | Westrick, |
| Cook. | Johnston, | Rider, | Wilkinson, |
| Cooper, | Jones, | Riley, | Williams, |
| Cordier, | Kane, | Robertson, | Wilson, |
| Corrigan, | Keenan, | Rooney, | Winner, |
| Cortese, | Kenehan, | Rose, | Wood, H. M., |
| Curran. | Kilroy, | Roseberry, | Wood, L. H., |
| Dalrymple, | Kline, | Rosenfeld, | Wood, N., |
| Denman, | Knoble, | Rothenberger, | Woodside, |
| Dick. | Kowalski, | Royer, | Yeakel, |
| Dix, | Krise, | Sarge. | Turner. |
| Donahue, | Lee, | Sarraf, | Speaker. |

NAYS—1

Moran,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented the following extract from the Journal of the Senate, which was read as follows, viz:

In the Senate, May 16, 1940.

Resolved (If the House of Representatives concur), That the Chief Clerks of the Senate and House of Representatives be directed to have the copy of the Journals of the two Houses of this session prepared and placed in the hands of the Director of the Bureau of Publications within thirty days after the close of the session, and the Director of the Bureau of Publications is hereby directed to have said Journals printed, bound and delivered to the Chief Clerks of the Senate and House of Representatives within ninety days after the receipt of the copy therefor.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

## RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. DENMAN and MADDEN.

RESOLUTION No. 7.

In the House of Representatives, May 16, 1940.

The latest cowardly assault made by the German Dictator upon three small neutral nations in Europe, emphasizes anew the necessity for adequate preparedness and emphasizes also the inescapable fact that the airplane is no longer an adjunct of military preparedness, but an all-important arm.

Even before the Nazi march into the Low Countries, military experts were made aware of this condition. Mussolini ferried soldiers across the Adriatic in air transports, Russia used the air to finally win over the outstanding bravery and endurance of the Finn, and the German Dictator found the airplane invaluable in his advance into Norway and in preventing the Allies from obtaining foothold therein.

The United States, England and France were warned in 1937 by one of the foremost, if not the foremost, aviator of the day, namely Colonel Charles A. Lindbergh, that the German and Russian air forces were superior to the air forces of all of the rest of the world combined. This warning was criticized, if not openly ridiculed. The newspapers were free with their open criticism of his statement, although they knew not of what they spoke. The air force heads of our Government and of England, and especially in the Navy Department, openly ridiculed the statements of Colonel Charles A. Lindbergh, and claimed that it was ridiculous to believe that an airplane bomber could sink a battleship. In 1937, after a tour of the world, and after careful study of facts made certain to him by visits to, and inspection of, airdromes and airplane manufacturing plants in all of the leading countries of the world, Colonel Charles A. Lindbergh warned the United States, England and France to build an air force at once, and advised the United States to build an air force second to none.

The suggestions of Colonel Lindbergh were not followed, and the naval authorities of both England and the United States continued their ridicule of Colonel Charles A. Lindbergh's statement. Two and one-half years have passed since that statement was made, and it is now evident that England is in grave danger because the "naval experts" have refused to believe that a bombing plane could exercise such tremendous strength as has been shown this year in the war in Europe.

The price that England and France must now pay for their past inertia will be evident to us for the next six months. They have now learned their bitter lesson, but perhaps it is too late. It is now time for us to profit by their experience—now is the time to make impossible the same experience for this country.

Germany alone has thirty-two thousand fighting planes of all types concentrated in Germany. United States has less than ten thousand fighting planes of types, some of which are in insular possessions. Germany can produce as many as three thousand fighting planes per month. We can build seven hundred fifty during the same period, not including those sold to the Allies. The ground force of the Air Corps in Germany numbers over three hundred thousand, compared with the strength of over seventy-five thousand in our Army, Navy and Marine Corps.

Our anti-aircraft weakness is even more startling and alarming. The number of modern anti-aircraft guns here is approximately three hundred, while Hitler has at least two thousand of the same type.

The thing that yesterday seemed impossible, is today a present threat.

Our Eastern coast is open to invasion in case of war,

and the same tactics that paralyzed Norway and the Low Countries, could be equally effective here.

Here in Pennsylvania, the big steel centers, now with no protection, would be the first object of attack.

We must not only increase our fighting air force to a point of efficiency higher than that of any European country, but the adequate protection of military airports must be at once provided for.

If we are to believe now that the German strength displayed in Europe is as Colonel Lindbergh said it was, then we not only must increase our fighting air force to a point of efficiency higher than that of any other Nation in the world, but we must have for the adequate protection of the Nation, military airports of the highest quality.

We should step up production of military planes in this country to the point where we can have sufficient military planes available within the next year for defense purposes, and a suitable additional number of planes for defense of the Panama Canal and our insular possessions.

Our naval experts should discard their jealousy of the airplane, and cooperate with the Army and Marine forces to protect this Nation and its possessions from air attacks before they place this Nation in the position that the naval experts of England have placed their Nation: therefore be it

Resolved, By the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania, That it is the opinion of the membership of this House that the Federal Government should at once take up the task of making the air power of the United States the strongest in the world, and to at once provide adequate defense against any invading air force that might attempt to repeat here the same kind of an attack that was launched against the small neutral nations of Europe; and be it further

Resolved, That it is the opinion of the membership of this House, That the Federal Government should at once develop defense airports in western Pennsylvania to protect the manufacturing centers and population in that section, and, for the consideration of the said Federal Government, the airports at Latrobe, Butler and Pittsburgh are suggested as defense airports; and be it further

Resolved, That a copy of this Resolution shall be immediately transmitted by the Chief Clerk of the House to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives in Congress from this Commonwealth.

Referred to the Committee on Rules.

By Mr. REUBEN E. COHEN. RESOLUTION No. 8.

In the House of Representatives, May 16, 1940.

Whereas, The public schools in America are a vital force in preserving and carrying on our democratic traditions, and whereas all American children are entitled to equal educational opportunities, and

Whereas, The burden of maintaining high standards in school programs is becoming increasingly difficult for some of our states and municipalities to bear since they do not all have equal resources for supporting an adequate educational system, and

Whereas, Several of our states and municipalities are in a precarious financial position resulting in stringent retrenchment and even in the closing of schools, thus causing a local problem so serious as to have become a matter of national concern, and

Whereas, There has been introduced into the United States Senate by Senator Thomas and Senator Harrison, and into House of Representatives by Congressman Larrabee, a bill to "promote the general welfare through appropriation of funds to assist States and Territories in providing more effective programs of public education," and

Whereas, This Federal Aid Bill (S 1305 and HR 3517) gives grants to states on the basis of the index of educational load and financial ability for Adult Education, Rural Library Services, Cooperative Educational Research and Demonstrations, and for the improvement of Public Elementary and Secondary Schools by improving Teacher Preparation, Construction of School Buildings, and Administration of State Departments of Education; now

Therefore Be It Resolved, That one copy of this resolution be forwarded to each of the following:

The President of the United States, Franklin D. Roosevelt.

Vice-President John N. Garner, President of the U. S. Senate.

Speaker Bankhead, House of Representatives.

Senator Elbert D. Thomas, Chairman, Senate Committee on Education and Labor.

Congressman William W. Larrabee, Chairman, House Committee on Education.

Senator Joseph F. Guffey.

Senator James J. Davis.

All members of the House delegation from Pennsylvania.

Referred to the Committee on Rules.

ADDRESS BY MR. KANE

Mr. KANE asked and obtained unanimous consent to address the House.

Mr. Speaker, the first part of this address being devoted to reminiscences, you need not pay attention unless you care to, but the second half deals with an important matter to which I hope you will give attention and then action:

It has been a long time since I came down to Harrisburg first and it is very difficult to remember accurately most of one's impressions—because he himself keeps changing.

I remember only three Governors accurately—all three of whom I am pleased to call my friends. There was the first—Governor Pinchot—much slandered, sincere, progressive and to my mind frequently ill-advised and occasionally misguided. I have stuck to my friendship. There was the second—Governor Earle—politically inexperienced, sincere progressive and I think a man of courage—most mightily ill-advised and frequently misguided. But I think he was trying and was trying hard to make more progress in four years than had been made in forty, and I am pleased to recollect that on more than one occasion I helped him try. I voted for his tax bills which we have now endorsed with Republican approval; for I have only contempt for the politicians who vote for all appropriations and against all taxes.

Then we come to Gov. James—from whose administration I will soon part (and I am satisfied we part better friends by far than when we first met politically upon the field of battle) I am glad to say I have received the utmost courtesy from our Governor, whom I regard as a man of courage with a fighting heart, frequently ill-advised, occasionally misguided but, thank God, with two years left in which to work.

My old father brought me up from the high-chair age to engage in politics and we came of a family of politicians. We were the kind of outspoken politicians who have always been better at helping elect our friends than in being elected ourselves. My great-grandfather who had been Attorney General of Pennsylvania, who had been Andrew Jackson's campaign manager, was defeated for Mayor of Philadelphia by 15 votes on the Democratic ticket. My grandfather was one of U. S. Grant's former Generals, who stood loyally by their falling leader and gave rise to the term "Old Guard" in Republican politics. He was defeated for Congress once as a Republican. The campaign opened up Civil War wounds and nearly cost him his life. But I think I honor him as much for his

civic achievements as his military glory, for he found time to be a leader in prison reform and was the founder of the Pennsylvania Board of Public Charities, and the Bradford Hospital.

My father was defeated for public office every time he ran, but never lost interest in politics nor faith that Representative government could be made to work even without his services. A man of higher principles than most, he fought for causes rather than men. Many of his causes (among them Woman Suffrage and Workmen's Compensation), succeeded, although he never did politically.

But to two jobs my father was invariably elected, (perhaps because they were non-salaried) one was as a hospital director, the other to our Township school board. And there he served patiently for twenty-seven consecutive years and more often than not, walked the six miles to meetings.

And I am very proud of my father because until his seventy-ninth and last year he could and would stand up and cheer. His was not a carping, critical old age, but that of a man who feared only that his day might end and find his work undone. And I hope you'll find me still pitching for good government—in my private capacity as a "backer upper."

Among my first impressions of Harrisburg was this Assembly, long before I became any part of it; and that first impression I have never forgotten because I have heard it so often repeated by first time visitors from "the sticks" (like myself). I, like many of them, found the House in a playful mood shortly before adjournment, reading newspapers, throwing paper, laughing, joking, visiting around and pausing occasionally to vote on measures that seemed to be of some importance.

Well, I took politics and government very seriously then and I still do. And let me say to you frankly my impression like that of many another citizen was, "God save the Commonwealth—are those the guys who make the laws that govern Pennsylvania?" (I did not know then the work was all over and the vote mere formality.)

Well, boys, after six years of getting older and better acquainted I am glad to bear public testimony that with few exceptions the hundreds of members I have known both in this House and out (for going to bed early is not a family trait of ours either) those men are better than anyone suspects. They improve with knowing and in each and everyone there is not one but many virtues. Every man here has had some reason in his make-up why a majority of the people of his district voted that he should represent them. My old friend Speaker Wilson Sarig used to make a speech in which he showed that not only were the members officially representative of their districts but that personally they were representative of the cross section of Pennsylvania's millions, as to race, color, occupation and religion. They are a small scale assemblage of Pennsylvania's people. And let me conclude the portion of this address devoted to reminiscence by saying that these men I have known were better men than the public was entitled to receive for what they pay and considering the personal beating, abuse and slander they and their families must receive to be elected to an under-salaried position where much is expected by the people and little chance is given by the party.

There was once a county chairman who liked to be seen at church. So every Sunday he went away down front and then went to sleep—much to the minister's annoyance. So the minister resolved to expose him and one Sunday he suddenly cried out "All those who want to go to Heaven, stand up!" Everyone stood up except the county chairman who continued to sleep. Then the minister reversed the question and said, "Let's see those stand who want to go to Hell!" At the sound of that ringing Republican political phrase, up jumped the county chairman! He rubbed his eyes and looked around. Seeing no one else standing except the minister he shouted: "By Golly reverend, I don't know who you nominated but you and me is for him and we'll put him through." That's about the way many party affairs are decided and put through.

And I devoutly wish that you men, could actually be the men who write and pass the laws of Pennsylvania—with no other guides than the Constitutions of the State and Nation, your own good consciences and the kindly hearts that I have found in all of you that I have known. I wish the people of Pennsylvania knew, as you all do, the fine patriotic speeches delivered within the silent walls of many a party caucus and the personal sacrifice that went unnoticed when a little politician here and there laid down his political life for his principles and his country in silent martyrdom that went unnoticed 'midst the roar of party fighting.

If I had my choice to send a son of mine through college or through four years in the Assembly, I think I'd send the boy down here—for the college professors deal with theories while you fellows deal with life. Few fellows—I am sure the graduating class will all agree—depart from hence except as wiser men; while colleges it seems to me all too frequently have taught the luxury of artistic loafing to ambitious high school boys. And for my education here (to which you all contributed) I wish to thank you two hundred and six part-time professors on the floor and the genial fulltime professor up there in the chair.

I have no regrets in leaving here save one—that I leave many tasks unfinished that I should have done. I am sorry that the Oil Barons of my own county seemed to not appreciate my sincere interest in the coal districts of Pennsylvania, for I believed and still believe that re-employment of Pennsylvania's miners is the key to Pennsylvania's relief and railroad problems, and whatever mistakes I have made—believe me boys, I tried to be sincere. I feel those miners needed me more than the wealthy oil men in my own county. And I haven't quit yet on the mining problem.

So I have had an education at Harrisburg at the public expense to which I heavily contributed—just as when my father worked my way through college while I helped out by serving as a cram sheet writer, a gasoline station operator and I am glad to say for awhile was a hotel waiter. I was once a harvest hand in the wheat belt.

In those days I was sixteen and I tried to join the Army for America was at war. But they wanted none of me, let me in an S. A. T. C. unit and later threw me out of that as under age. I'm not a veteran of anything unless its politics. But I remember that war, even though I worked the wheat fields of the west instead of the trenches in the fields of Flanders. And I remember a little organization that existed then called the I.W.W. when I rode the freight trains from one harvest to another. And many of you who served in France did not realize that here at home that outfit was strong enough to dictate who could and couldn't

work the wheat harvest or even who could ride as hoboes on freights of major railroads. So when you read of the 5th column activities in Spain and Norway remember there's a like chance such things exist at home. We may well thank the American Legion for bringing many of these things to light.

The American system of government has been much lauded by political speakers because of its checks and balances. Seldom is it realized how much we "check" and we "balance" and do nothing constructive towards our ends.

We loudly declaim the virtues of the two-party system and ignore the fact (of which all of us are aware who hold office at least) to what a large extent one party merely fights another.

I may be pardoned for repeating a joke of my father's. He said he was a Republican because his father was, but that his father had a reason. That he believed in the two-party system—one party to be in power and run the Government—the other party to be out of power to criticize and watch them; and he felt the Democrats made far the better "watchers."

Now I have heard nearly every politician I know say that he "personally" would always put his country above his party—but in general the specific occasion seems never to arise and as a practical matter he conceives that the other side is always wrong and goes along with his party. Both party organizations by and large consist in those who have jobs, those who hope to get jobs and the handful of large contributors. You know George Washington in his farewell address didn't warn America so much against a third term (as politicians love to declare) as he warned us against the evil day when party strife o'erwhelms us.

Twenty years ago we spent two years and twenty billion dollars to make the world safe for democracy. And now we have spent twenty years and forty billion dollars proving that our type of democracy is of doubtful safety for the world. We are probably the only nation rich enough in all creation to afford the American party system of government and the colossal plutocracy that has subverted representative government into a checque book dictatorship over the wishes of the American people. It has distorted the good intentions of the direct primary into a colossal spending spree of public and private funds all history cannot equal. The Hatch Act should be supplemented with a law making it illegal to spend a dime for political services of American citizens anywhere, anytime, for any purpose! It is really time that political activities were returned to volunteers and out of the clutches of rival mercenary armies, who seek the victory only to plunder the citadel and spend the treasury.

Part II

We have now before us a new situation in the world—new even since the call went out for this special session. We see across the ocean a superb air force making England's island no more a real island than Manhattan, and we see the Atlantic Ocean shrink to 10 hours of fast travel.

And here in America we find both our political and military leadership largely in the hands of men who ought to be on old age pensions.

It seems only yesterday to me since down in the Penn-Harris hotel a high commander of Pennsylvania's military arm—told me within the last two years that the building of the Harrisburg airport was a needless extravangance—that Middletown was good enough—and went on to say that airplanes had no practical value and had proven worthless from a military standpoint! I'm not here to find fault with the general to whom I wish a quiet old age, but I don't think he's going to have one and neither are we—and as one who can fly and is still young enough to fight and as the father of three children—I don't want his ideas on airplanes to be the ideas given to our Governor, nor do I think we can protect our citizens with such aerial equipment as I know that we possess in Pennsylvania.

We see in Europe the smart but ruthless dictator who strikes with lightning force while democracy is fumbling. We see a military machine (built patiently and deceptively in defiance of the treaty) destroying the flower of democratic manhood. We see a machine built because of inability of manly action by debating society government in the hands of parlor pinks, while defeated Germany grimly kept rearming.

And now here in America we see all parties suddenly alarmed. Suddenly we are awakened to our amazing situation. We learn by the statements in the British parliament one day of British political bungling and in the next issues of our own press we read statements by our own military experts that we have spent our billions and have nothing for defense except a fair old-fashioned navy blandly relying on British command of the seas—an experimental air force and an army which is less numerous than the C.C.C. boys and about as well equipped to meet the Blitzkrieg onslaught of a first rate military power.

So we answer as a plutocracy always answers by promising to spend more money. Its no use buying fifty thousand planes if we have no place to land them and no use even flying fifty planes without mechanics to repair them.

Yes, we need more than money. We must get organized. Even more than money, we need prompt action. We still have a little time. Despite the fact that our three thousand mile northern border is the undefended political line of demarcation between us and a "belligerent" nation whom we have permitted to send troops abroad to fight others while we declare no others can come here to fight with them. Despite our rather precarious international position of declaring we will defend all outdoors in the Western Hemisphere with no armed force worthy of the name to do it with—despite all this, we still have time!

And on next Thanksgiving Day we ought to publicly offer up two prayers: One to thank Almighty God for the Atlantic and Pacific Oceans, and the other to thank Him that he so richly endowed the U. S. A. that we could afford the monkey work and delay and waste of the American political system of government, and still last the year out 'till 1940's harvest.

But if our government has a virtue in state's rights—that outgrown relic which survived the Civil War—it is that the people through their state governments may at times take action and try out their mistakes or their achievements without committing the whole nation to the venture.

We frequently forget that we here have the power, not merely to "muddle along" within the national government's general "muddling through," but to strike out boldly for ourselves—and to make our own solutions.

If there are two things clear in our present dilemma, they are these:

1. America and Pennsylvania are hopelessly ill prepared for resisting attack by land and air.

2. Second, that we have millions of people unemployed whom we can no longer afford to support in useless idleness.

That we could put a large part of our unemployed to work at once getting an aerial system as effective as our highway system has always been a matter of good sense—now it's a matter of national preservation. This is not a new idea with me born of war's alarms, for away back in the 1935 session I introduced a bill No. 2501 which even passed on third reading—the only bill reported by the Aeronautics Committee—to put the able bodied unemployed on relief to work building air ports at twenty cents an hour in addition to their relief. And my friends and I got crucified by the local papers which accused me of introducing a "work or starve" bill. (Compare Pierson act.) This bill was killed on final passage by a hostile press. (Had that bill become law we could have had airports at every town in Pennsylvania by now and thousands of planes and fliers once they had a place to go.) Should a victorious Germany exact as a price of peace, the delivery intact of the French, British and Dutch fleets, both sea and air, and perhaps only one colony where there is room and wealth, and above that a broad base for coercing America—I mean, should Germany as the price of peace insist on taking over Canada, please tell me what we here in America could do today to stop her?

And the steps of war move not slowly any more. Neutrality is no guarantee of peace today—nor are solemn assurances any indication of who strikes whom nor where. Why should we feel that an invasion of Canada next year is any more absurd than the invasion of Norway would have seemed three years ago, or the invasion of Holland seemed on May the 8th just passed, when the Nazi government, according to our local press, took the unusual step of summoning foreign correspondents to the Wilhelmstrasse where an official statement was issued ascribing the "Holland invasion rumors" to the "British Ministry of Information" and cites a New York report as an example of the alleged British object of "diverting world attention from Anglo-French aggression plans."

I am not here today to plead the cause of either side, but I am here as a representative of the people of Pennsylvania to call attention to the fact that Herr Hitler has dealt his deadliest blows while democracies were struggling with elections. We are going this summer into a gigantic election struggle, and we are woefully unprepared against a Blitzkrieg from the air. Our navy would be a push-over for the combined German, French and British fleets all manned with German soldiers. Our air force would have no base for operations after the first surprise bombings made our few airports look like the craters of the moon.

We have time yet, and the State can take action by itself for the Nation is going to follow. We had a fair start once toward an airfield program. Thank Heaven, George Earle was air-minded. Yet, we find the airport at Harrisburg with sinkholes in so that night flying had to be suspended till this very week. We find the Middletown Military Air Port for days was under water. It is surrounded by high tension wires and incapable of expansion for there is a power house at one end and a gravel pit at the other that you could bury the Penn Harris Hotel in and never see a chimney.

Up the main Susquehanna Valley I understand only one airport, a private field at Berwick, was but lately out of water. In Pittsburgh, our great steel center, the planes had to skip the city this winter because of failure of snow removal and that field has only one real runway. In my own county not a single airfield is safe for winter flying. The Philadelphia daily papers say the new Municipal Airport has no satisfactory approaches from the city, and I'm told it practically has no hangars. Surely anyone familiar at all with flying knows how woefully inadequate our anti-aircraft defense is! Why do we continue like the ostrich to bury our heads in the sand?

How many of you have seen an anti-aircraft gun outside the moving pictures? How many know of gun emplacements for defending our chief cities? Yet how many of you know how easily even you on any rainy night could blow up our vital bridges. There's no one around to interfere and you yourselves could do it. A few trucks loaded with dynamite, a blinding flash, a roar and Pittsburg's steel won't reach the coast till months are spent rebuilding.

How many of you know only too well how many thousand people are available to do the dirty work and organized to do it?

I hope I am not an alarmist but it seems to me we are most mighty careless. I remember well a line from the play "New Wine" where the disillusioned young senator says of the young radical who has even robbed him of his sweetheart—

"They take what we have while we debate our right to have it."

Well boys, we still have what we have. We have our lives, our country and our children, and thanks to Almighty God—not to our smartness—we still have time. Let us call upon our State government at once to take action to defend us from the air.

Let Pennsylvania, cradle of liberty, become its fortress and the keystone of the Nation be its keystone of defense!

Let Pennsylvania's government give to our people wings and let state's rights prove its virtue, by prompt action and good sense.

Mr. Speaker, I want to introduce this resolution and ask unanimous consent for its immediate adoption.

The SPEAKER. Will the gentleman yield?

Mr. KANE. I will, Mr. Speaker.

## BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1.

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred thirty-nine and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred thirty-nine.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

## REPORT FROM COMMITTEE ON RULES

Mr. WOODSIDE offered a resolution from the Committee on Rules which was twice read, considered and adopted as follows:

In the House of Representatives, May 16, 1940.

Resolved (if the Senate concur), That this Special Session of the General Assembly adjourn sine die 16th May, 1940, at 8.45 o'clock p. m. E. S. T.

Signed by the Committee on Rules:

ROBERT BOYD,
NORMAN WOOD,
WILSON L. YEAKEL,
ELLWOOD J. TURNER,
ROBERT E. WOODSIDE, JR.,
JACOB B. SCHROCK.

Ordered, That the Clerk present the same to the Senate for concurrence.

## RESOLUTION

### COMMITTEE TO WAIT UPON THE GOVERNOR

Mr. WEBSTER offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 16, 1940.

Resolved, That a committee of three Members of the House be appointed to wait upon His Excellency, the Governor, to inform him that the House of Representatives has completed the business of the Special Session and is now ready to adjourn sine die and to inquire whether he has any further communications to make.

### COMMITTEE APPOINTED TO WAIT UPON GOVERNOR

The SPEAKER. The Chair appoints as a Committee to wait upon his Excellency the Governor Messrs. Webster, Kane and Miss Brancato.

## RESOLUTION

### COMMITTEE TO WAIT UPON SENATE

Mr. HEWITT offered the following resolution which was twice read, considered and adopted.

In the House of Representatives, May 16, 1940.

Resolved, That a committee of three Members of the House be appointed to wait upon the Senate, and inform that body that the House is ready to adjourn, sine die, this sixteenth of May, 1940.

### COMMITTEE APPOINTED TO WAIT UPON SENATE

The SPEAKER. The Chair appoints as a Committee to wait upon the Senate Messrs. Hewitt, Ackermann and Hess.

## RESOLUTION

### AIR DEFENSE

Mr. KANE offered a resolution and asked and obtained unanimous consent to have it read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, May 16, 1940.

Whereas, recent developments in the war now waging in Europe has at last awakened this nation to the need of adequate defense against air attacks; and

Whereas, the Governor as head of the armed forces of the Commonwealth should immediately have definite knowledge of the adequacy or inadequacy of the defenses now existing against attacks from the air in Pennsylvania; therefore be it

Resolved (if the Senate concur), That a committee consisting of two members of the Senate to be appointed by the President Pro Tempore of the Senate, and three members of the House of Representatives to be appointed by the Speaker thereof, shall immediately after its appointment undertake an investigation of existing defenses against air raids within the Commonwealth and shall make a study of what additional defenses should be provided to the end that Pennsylvania, its navy yard and its mines and mills, oil fields and factories, particularly our airplane factories and steel mills shall be afforded every defense that can be established, and that the said committee shall make a full report of its investigation accompanied by its recommendation to his Excellency, the Governor, within thirty days after its appointment and organization.

Mr. KANE. Mr. Speaker I ask unanimous consent for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Is there objection?

Mr. WOODSIDE. Mr. Speaker, much as I might favor the resolution and much as I would like not to object to it, I feel in view of the fact that we have always objected to immediate consideration of such resolutions, I will have to do the same thing now.

The SPEAKER. The chair hears objection and consent is not granted.

Mr. KANE. Mr. Speaker, may I ask the gentleman, in view of the fact that the preceding resolution was a memorial to Congress and something we cannot do anything about, and this is a resolution that the state itself can take action upon through this Assembly, if he will not withdraw his objections, as there is a substantial difference between the two resolutions?

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk.

### ADDRESS BY MR. REYNOLDS

Mr. REYNOLDS asked and obtained unanimous consent to address the House.

Mr. Speaker, this afternoon before adjourning we had a very fine speech delivered to us by the Speaker of the House, in which he called the attention of the members, especially those who would not be present again, to the Joint State Government Commission, in which certain businesses of the government would be given attention. Mr. Kane in his remarks has opened the door to what I have to say.

We are now about to enter into one of the greatest controversies that this country or the world has ever had before, war. The Speaker of the House called attention to the fact that several committees had been appointed to investigate certain laxities in the various Departments of the State Government. It has come to my attention through the press that the Negroes of the state of Pennsylvania and the country at large are not being given an opportunity to train themselves for the army, navy and air forces. We know that the colored soldiers in every war that the nation has had, have always been loyal to this government. Every time we have ever had a war the Negroes of this country have either volunteered or have been conscripted and have deported themselves most honorably. However, in spite of this fine cooperation that the Negroes of the state of Pennsylvania and the country at large have given to the United States government, we find today in the

state of Pennsylvania that the Negro population is not allowed to join the State Militia. Governor Pinchot during his last administration when we were trying to have passed in the House a bill that would force those who control the National Guard to allow negroes to join the National Guard, stated that there was nothing in the Constitution of the Commonwealth to prohibit Negroes from joining. However, we have found that every time we sent an able-bodied, qualified negro to join the State Militia he has been turned down because of color. I am making this appeal to the House of Representatives, because I have been fortunate in having been a member of the House on the Republican side and I have also served as a member on the Democratic side, and I have never found a fairer group of men anywhere in my whole career than I have found here. Therefore, I am bringing my appeal here tonight because I will not be back here again since I did not run for re-election. I feel it is my duty to appeal to the fairmindedness of the people of the State of Pennsylvania to allow and see to it that the Negroes of the State of Pennsylvania are allowed to train during peace time, in order that they might be able to defend this country in time of war.

I have here one of the largest papers which has a circulation supposed to be four hundred thousand a week, the Pittsburgh Courier, and I would like to read just one or two excerpts from this paper.

The SPEAKER. The chair dislikes to curtail any of the remarks of the gentleman on this matter which I know are dear to his heart, but the adjournment resolution calls for eight forty-five and we still have important business to transact. I wonder whether the gentleman will not, in view of that situation, file any further remarks he desires to make with the Clerk. The Chair feels that he has made his point and again apologizes for a seeming attempt to curtail his remarks.

Mr. REYNOLDS. Mr. Speaker, I will be very glad to adhere to your admonition. However, if you will just give me about two minutes more I will close.

The SPEAKER. The gentleman from Philadelphia will proceed.

Mr. REYNOLDS. Mr. Speaker, I will not read the quotations from the paper which I have before me.

We know in the State of Pennsylvania that there is no law on the statute books that prohibits a Negro from joining the State Militia, but for some reason those who have charge of taking soldiers into that organization refuse to allow every able bodied, qualified Negro to join. We are willing to sacrifice our very lives, we are willing to shed our blood for the defense of this country, but we do not feel that we ought to wait until thirty or sixty days before we are shipped abroad, sent to Mexico or sent to any other country without being properly prepared. Secretary Woodring said before a committee in Washington a few days ago that we could prepare all of the armament we probably would need in six months but it would take up to two years to prepare the manhood to operate that armament.

Mr. Kane just called your attention to the fact that we ought to be ready, and I here and now, am asking the Speaker of the House and those who have control of the committees of the Joint State Government Commission to see to it that the investigation is carried that much further in order to find out why Negroes in the State of Pennsylvania are not allowed to join the State Militia. We are willing and we want to defend this country.

In closing I want to read a few excerpts from an article appearing in the Pittsburgh Courier dated Saturday, May 18, 1940 just to show what the Negroes have done for this country ever since the Revolutionary War. I quote as follows:

Negroes service in past wars

"Four thousand Negro soldiers served in the Continental Army during the American Revolution.

"Andrew Jackson did not hesitate to mobilize Negroes in the War of 1812. In his proclamation to them he declared: 'Through a mistaken policy you have heretofore been deprived of a participation in the glorious struggle for national rights in which your country is engaged. This no longer shall exist. As sons of freedom, you are now called upon to defend your most inestimable blessing.'

"One hundred and seventy-eight thousand Negroes served in the Civil War, and 400,000 Negro soldiers, of whom about 40,000 were on the battle line, served in the First World War.

"Surely as this country constantly goes forward in the direction of a fuller participation by all of the American people in all of the rights and obligations of Americans, and especially at a time when we are holding out against totalitarian ideologies the moral force of the principles of American democracy, this government must, at least, continue this tradition."

Mr. Speaker, I request that this House ask its Joint State Government Commission to see to it that Negroes are given these rights. We pay our taxes, Mr. Speaker, and taxation without representation is tyranny. The Negroes pay taxes to have the state government kept up and they are asking that they be given the right to join the Militia of the state of Pennsylvania.

## NOTIFICATION FROM SENATE

A committee on the part of the Senate being introduced informed that the Senate is ready to adjourn sine die at 8:45 p. m. this day.

The SPEAKER. The Chair thanks the committee on the part of the Senate.

## REPORT AND DISCHARGE OF COMMITTEE

Mr. WEBSTER. Mr. Speaker, your committee oppointed to wait upon his Excellency the Governor and inform him that the House is ready to adjourn at 8:45 p. m. this day has performed that duty.

The SPEAKER. The Committee is discharged with the thanks of the House.

## REPORT AND DISCHARGE OF COMMITTEE

Mr. HEWITT. Mr. Speaker, your committee appointed to inform the Senate that the House is ready to adjourn sine die at 8:45 p. m. this day has performed that duty.

The SPEAKER. The Committee is discharged with the thanks of the House.

## REPORT OF JOINT COMMITTEE FOR INVESTIGATION OF AERONAUTICS

Mr. DENMAN. Mr. Speaker, at the last session under Concurrent Resolution No. 24, Serial No. 203, the Senate and the House appointed a Committee jointly to investigate aeronautics in Pennsylvania and to make proper recommendations. The committee after continuous work, even after the session adjourned, is ready with its report.

By authority of the Chairman of the Joint Committee to investigate Aeronautics I present this report to this body and ask for its adoption at this time.

The SPEAKER. The gentleman from Westmoreland, Mr. Denman, will please send a copy of the report to the desk.

## PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from York will state his parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, the Joint Committee investigating Aeronautics having submitted a report, is it proper for this House to take any action on this report other than having the same filed and possibly printed in the Appendix to the Journal?

The SPEAKER. The Chair is of the opinion that the gentleman from York is correct in his statement. The Chair informs the gentleman from Westmoreland, Mr. Denman, that the report at this time will be filed with the House and no immediate action taken.

Mr. DENMAN. Mr. Speaker, I withdraw my request.

The SPEAKER. The report will be noted in the Journals and printed in the Appendix to the Legislative Journal.

## UNANIMOUS CONSENT GRANTED

Mr. WOODSIDE. Mr. Speaker, I previously objected to the immediate consideration of the resolution introduced by the gentleman from McKean, Mr. Kane, as a matter of policy which we have been following. Since that time we have had an opportunity to examine the resolution as presented by the gentleman from McKean, Mr. Kane. We feel that it is very important, and we also feel that the members of the Rules Committee, if it had been referred to them, would have reported it out for the consideration of the House. Under those circumstances, I withdraw my objection to the immediate consideration of the resolution.

## RESOLUTION

### AIR DEFENSE

Mr. KANE offered a resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, as follows:

In the House of Representatives, May 16, 1940.

Whereas, recent developments in the war now waging in Europe has at last awakened this nation to the need of adequate defense against air attacks; and

Whereas, the Governor as head of the armed forces of the Commonwealth should immediately have definite knowledge of the adequacy or inadequacy of the defenses now existing against attacks from the air in Pennsylvania; therefore be it

Resolved (if the Senate concur), That a committee consisting of two members of the Senate to be appointed by the President Pro Tempore of the Senate, and three members of the House of Representatives to be appointed by the Speaker thereof, shall immediately after its appointment undertake an investigation of existing defenses against air raids within the Commonwealth and shall make a study of what additional defenses should be provided to the end that Pennsylvania, its navy yard and its mines and mills, oil fields and factories, particularly our airplane factories and steel mills, shall be afforded every defense that can be established, and that the said committee shall make a full report of its investigation accompanied by its recommendation to his Excellency, the Governor, within thirty days after its appointment and organization.

On the question,

Will the House adopt the resolution?

## QUESTION OF INFORMATION

Mr. KANE. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from McKean will state his question of information.

Mr. KANE. Mr. Speaker, I would like to know whether in the opinion of the Speaker it is now too late to obtain Senate concurrence of the joint resolution.

The SPEAKER. The Chair is informed that the resolution is in form to be sent to the Senate.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

## QUESTION OF PERSONAL PRIVILEGE

Mr. JIROLANIO. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Northampton will state his question of personal privilege.

Mr. JIROLANIO. Mr. Speaker, with reference to the report of the Joint Legislative Committee to investigate aeronautics, I wish to say I was a member of that committee. I see that my name has been placed upon the Committee's report. At no time did I see the Committee's report, at no time did I see the notes of testimony, and therefore I ask that my name be stricken from the Committee's report, in fairness to myself and to my constituents, because I know not of what it consists.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be noted upon the journal.

## RESOLUTION

### SYMPATHY EXTENDED

Messrs LEVY, ELLWOOD B. WELSH and SWEENEY offered the following resolution which was twice read, considered and unanimously adopted:

In the House of Representatives, May 16, 1940.

The Honorable Thomas E. Shea, a member of this House during the session of 1937 and 1938, died at his home in Philadelphia on January 30, 1940.

He was born October 23, 1878 at Summithill, Carbon County, Pennsylvania, and attended and graduated from the Summithill High School and Jefferson Medical College (Medico-Chi-Pharmacy). During the World War he served on Internship Panama Canal and was a captain in the Medical Reserve Corps.

At the time of his death, he was a practicing physician in Philadelphia, has taught brain anatomy and neurology at Jefferson Medical College since 1918, was a member of the Philadelphia County Medical Association, Jefferson Club of Philadelphia and was attending physician for the International Geneva Association for twenty-five years.

He leaves to survive him his widow who was the former Jeanne E. Shaffner and four children, William Shea, Thomas Shea, Jr., Donald Shea and Mrs. William Shields, therefore be it

Resolved, That the House extends its deepest sympathy to his widow and children, and directs that a copy of this resolution be transmitted to them by the Chief Clerk of the House.

## SENATE MESSAGE

### RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that

the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 16th, 1940.

Resolved (if the Senate concur), That this Special Session of the General Assembly adjourn sine die 16th May, 1940, at 8:45 o'clock p. m., E. S. T.

Signed by the Committee on Rules:

ROBERT BOYD,
NORMAN WOOD,
WILSON L. YEAKEL,
ELLWOOD J. TURNER,
ROBERT E. WOODSIDE, JR.,
JACOB B. SCHROCK.

The SPEAKER. Unless some unforeseen circumstances call this body into session before January 1st, 1940, the gentleman from York, Mr. Cohen, is making his final appearance in the Legislature. Therefore, in recognition of that fact the Chair requests the gentleman from York, Mr. Cohen to come to the rostrum at this time.

MR. HERBERT B. COHEN IN THE CHAIR

ADDRESS BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to address the House.

The SPEAKER pro tempore. The chair recognizes the gentleman, he hopes, from Delaware, Mr. Turner.

Mr. TURNER. The Chair is perfectly correct in recognizing the gentleman, he hopes, from Delaware. At the moment the gentleman from Delaware is in the right church but the wrong pew. However, the gentleman from Delaware does not feel that he can allow this occasion to pass without commenting upon the gentleman from York, who has been his opponent on many and many an occasion and whom he has viewed from the rostrum at times with intolerance, at times with tolerance, at times with uneasiness and at times with a great deal of perturbation. That is a word which the gentleman from York would ordinarily use if he knew what it meant.

It takes all kind of men to make a democracy; it takes all kind of men to make a legislature. No matter how much we may assail one another, no matter how we may weigh one another, no matter what our personal opinions may be of the men who serve in this House, the men who have a conception of government and who contribute their part, whether we believe them to be mistaken or not, are doing something in the great processes, and the great evolution of democracy.

I can bear witness to the fact that the gentleman from York has contributed to the organization of this House, to its methods and to its procedure; that he has contributed much to build up the parliamentary procedure, and that he has contributed much to the character of debate in this House. I feel that I would be lacking not only in courtesy but in the finer feelings of the men who served in this House, did I not tonight make recognition of what I feel the gentleman from York has contributed, no matter what may be my opinion as to his political viewpoint and the processes by which he arrived at his conclusions.

The SPEAKER pro tempore. The Chair calls to the rostrum the eminent Speaker of the House, the Honorable Ellwood J. Turner, and during the time the gentleman from Delaware occupies the chair the gentleman from York will answer him.

THE SPEAKER (Ellwood J. Turner) IN THE CHAIR

Mr. HERBERT B. COHEN. Mr. Speaker, I really had contemplated indulging in somewhat of a political harangue but as usual Ellwood Turner has stolen my thunder. He has put me on the defensive, and apparently in answering the gentleman I will have to be a good boy.

I can well remember, and I think the gentleman who presides over this House well remembers, certain situations that were prevalent in this House before the advent of a sizeable Democratic minority, and from that time up until the present I dare say the present Speaker of this House and I have worked in unison, in an effort to make this House of Representatives of the Commonwealth of Pennsylvania more adequately representative of the democratic processes of government. However, in making, possibly my closing remarks, I would be remiss if I did not thank the majority for the numerous courtesies shown to this side of the House. I also would be remiss if I did not call to the attention of the House the fact that under the guidance of the Speaker and the present floor leader, Bob Woodside, continued development along the line of recognition of the minority has been the constant desire of the majority of this House. However, aside from that issue, there is one question, one part of my record as a member of this House, to which I desire to write the closing chapter.

Today we see democracy being attacked on all sides. It is a very lamentable thing that those who are enjoying the fruits of a republican form of government, who have come into the Legislative halls, who participate in the growth of a democratic form of government,—and I mean that with a small "d",—profit from the fruits that liberty can give us, at times are the very ones that knock down the pillars and foundations of those institutions of liberty and tolerance. I want to write the concluding chapter, to what I think was the most atrocious attack upon democratic institutions, a part of which I played, a part of which the Speaker played, a part of which so many members of this House played, and those were the accusations that were levelled against the Democratic administration just passed. In an effort to gain victory we have turned the democratic form of government back years. We attacked ruthlessly, in a desire to elect our own administration, certain men and their families. We exposed their wives, their children to heart aches and to heart breaks. We attacked the very fundamentals of government. We went up and down the highways and byways of the Commonwealth crying out that Democratic government was a fraud, that Democratic government was not fit to be recognized or supported by the great mass of people. We played one of the most outrageous parts in this history of the Commonwealth of Pennsylvania, in the desire to gain victory. We attacked the things that should be the cloak to protect us in our continued exercise of liberty.

I am glad to be able to write in this final chapter the fact that even today every accusation investigated by the House Legislative Committee has been proven unfounded. I am glad to be able to say that when they went up and down the highways and byways of the Commonwealth of Pennsylvania and accused that committee of whitewashing, accused the committee of stifling evidence, accused the committee of entering into collusion in order to perpetuate the then Democratic administration, that after a thorough investigation by a Republican Grand Jury, after

a thorough investigation by a Republican District Attorney, after a thorough investigation by the Republican State Police, after a thorough trial by Republican Courts, and after complete vindication today the Democratic form of government, Democracy still has its slate unsullied.

I am glad that that situation occurred. The moral that those gentlemen should draw from the situation that occurred in 1938, the lesson which we should all take with us, is that we should have pride in the accomplishments of our government. We should not sit idly by, complacently satisfied in an attempt to gain victory, to besmirch the very thing upon which not only we are dependent, but the very thing upon which the entire civilization of the world depends, American liberty and American institutions. I say to you, we should remember that loose accusations made during campaigns are sometimes not made sincerely, and before we indulge in a situation such as we have indulged in, that we were forced into, both the Democratic side and the Republican side, the thought should come to our minds: what do our actions foretell as to the strength or weakness of democratic institutions.

As I close my eight years of service to the Commonwealth of Pennsylvania, I am particularly glad that I am able to say that the joint committee investigating so called crime in the Commonwealth of Pennsylvania today stands vindicated. Vindicated not by their own particular report, vindicated not by the fact that their own particular report was subsequently substantiated after a thorough Republican investigation, but I say that the committee stands vindicated because in times of troubles such as these, people are looking back upon that fiasco and saying it would be better for the government had it not happened. As I end my career after eight years of what I say was interesting work, some four of those years I was on the top of the heap, and four back here on the little side, I wish to state to the membership on the other side that whether I was in the minority or in the majority, just as you men feel, so I feel that our hearts are imbued with the spirit and the desire to perpetuate our institutions. Our hearts and our spirits are imbued with the desire to make this state and this nation the forerunner of the nations of the world, to set the example to a war torn Europe, to protect ourselves against the encroachment of foreign philosophy. If we stick together in that, I say tonight we are all Americans, Democrats or Republicans. I thank you.

The SPEAKER. The Chair would be delighted to call to the rostrum other members of this House who are serving for the last time, at least for another two years. The Chair would particularly like to call to the rostrum the gentleman from Cambria, Mr. Andrews, who has contributed so much to the Chair's parliamentary education, and so much to the Chair's delight at times in the battle of wits between the floor and the Chair.

There are other members with whom the Chair has served, who are not going to be among those present at the next roll call.

We were fortunate that between June of 1939 and the present extraordinary session we have had no deaths among the members of the House, and the Chair trusts that that same good fortune may prevail with all of you.

Inasmuch as the Chair cannot at the present time call to the rostrum all those he should like to call, he does feel that the majority leader should say something to the House. Therefore, the Chair recognizes the gentleman from Dauphin, Mr. Woodside, who asks unanimous consent to address the House. The Chair hears no objection. The gentleman from Dauphin will proceed.

ADDRESS BY MR. WOODSIDE

Mr. WOODSIDE. Mr. Speaker, I wish it were possible for me to express the feeling I have at this time. I served during the last regular session and during this special session as the majority floor leader. The floor leader has to take a position sometimes which personally he does not like to take. He has to make objection against matters at times which interfere with the action of a particular member. He would like to grant favors sometimes that are impossible for him to grant. As a whole I think we have been able to get along, Republicans and Democrats, with one thought foremost in our minds, and that is, that after all the political bickering and squabbling we are primarily interested in the welfare of the Commonwealth of Pennsylvania. Although we have very honest differences of opinion, although we may not see things from the same standpoint, nevertheless I think as a whole we are sincere in our opinions and are interested in enacting laws which will be to the benefit of all of the people of Pennsylvania. I know that the minority has in many instances been very considerate of the majority, and we have made every effort on this side to be considerate of the minority. As has been suggested by the gentleman from York, for four years we were in the minority, and we appreciate the position of the minority as well as the gentlemen on that side appreciate it. We are interested in carrying on a legislative government.

There is one thing I would like to say. I recently have been reading the Congressional Record rather carefully because of the many important things that have been going on in the National Congress, and because of the bearing that those things have upon the very important international situation that now exists. I find that there is not quite as much reference to politics there as there is on the floor of this House. I think on the whole we approach the subject very intelligently. I think we do a great deal of very intelligent work, but I think very often on both sides we put aside politics in order to arrive at what we feel is for the best interests of the commonwealth. Nevertheless, quite often when we come on the floor of the House we make too much reference to politics and take the political approach too seriously. I do not think we take it as seriously in our committee work. I do not think we take it as seriously when we are actually carrying on the real task of the Legislature, but sometimes we get the idea that the floor is the place to make a political speech, and that the committee alone is the place for doing the real work. As a result of that I feel that the people of Pennsylvania may sometimes get the wrong idea of members of this House of Representatives and of the Legislature generally. I hope in the future in the debate on the floor of the House we will leave out more politics and give more direct consideration to the measures before us, because I think the people of Pennsylvania should know the consideration given to measures by the members individually and in committees. The people should know that the approach is very seldom made from a purely political standpoint but that bills are considered on their merits.

The members of this House have been very kind to me as their floor leader. I want to pay my compliments to the members of the majority who have in numerous instances shown me great personal favors, who have been very

kind and considerate at times when situations have been very difficult.

I also want to express my appreciation to the members of the minority for the kind way in which they have cooperated in running this House and in helping this Legislature to enact laws for the benefit of the Commonwealth of Pennsylvania.

## SENATE MESSAGE

### RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 16, 1940.

Whereas, recent developments in the war now waging in Europe has at last awakened this nation to the need of adequate defense against air attacks: and

Whereas, the Governor as head of the armed forces of the Commonwealth should immediately have definite knowledge of the adequacy or inadequacy of the defenses now existing against attacks from the air in Pennsylvania; therefore be it

Resolved (if the Senate concur), That a committee consisting of two members of the Senate to be appointed by the President Pro Tempore of the Senate, and three members of the House of Representatives to be appointed by the Speaker thereof, shall immediately after its appointment undertake an investigation of existing defenses against air raids within the Commonwealth and shall make a study of what additional defenses should be provided to the end that Pennsylvania, its navy yard and its mines and mills, oil fields and factories, particularly our airplane factories and steel mills, shall be afforded every defense that can be estabished, and that the said committee shall make a full report of its investigation accompanied by its recommendation to his Excellency, the Governor, within thirty days after its appointment and organization.

## ANNOUNCEMENT

The SPEAKER. The Chair desires to advise the Committee Chairmen that all of the records, bills referred to Committees and so forth, should be left at the office of the Chief Clerk, under the Rules of the House.

## ADDRESS BY MR. MORAN

Mr. MORAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I do not have any letters from Oswald or Hiram this evening. However, I have listened with a great deal of interest to several of the speakers who have preceded me, and I agree with some of their statements, but with a lot of them I do not agree. However, as a member representing labor in this House of Representatives I feel I would be very delinquent as such a representative if I did not make a statement at this time. I think the Pittsburgh Press of May 16 very adequately expresses my viewpoint. The heading of this editorial is "Financial Trickery," and I quote:

> The Republicans at Harrisburg would have us—and you—believe that Governor James' program for raiding special state funds of money which belongs to local governments will not hurt municipal budgets. The counties, cities, boroughs and townships, they say, can simply run to the bank and borrow the money—at their own expense for interest, etc.—giving the state's promise to pay as security.
>
> Sounds simple. But let's bring the whole matter out of the clouds of high finance for a minute. Let's take a couple of ordinary businessmen and put them through the shenanagins the Governor proposed for getting relief funds.
>
> Mr. A and Mr. B both owe their wholesalers for some goods they have ordered. A is an agent for part of B's business, and collects some of his money for him. (Mr. A, we might point out, is the Commonwealth; Mr. B the local governments, in this analogy).
>
> To pay his bill to the wholesaler, A proposes using the funds he collects for B. This money hasn't come into A's cash drawer yet, so he borrows from the bank, using as security the potential collections of B's funds.
>
> But B also wants to pay his wholesaler's bill. So A tells B to borrow at the bank and give as security A's promise to pay him the money he collects for him.
>
> Note that at this point the money, which hasnt yet been collected, already is borrowed twice.
>
> When A does collect B's money, he pays off his loan at the bank then A will have to float another loan using some other security, to get the money which belongs to B, pay off B so that B can pay off the bank.
>
> Thus, the money collected by A as agent for B has been used four times, and A still owes the total amount. Transform A back into the state for a minute and it's obvious that this remaining debt can be paid off only by soaking the taxpayer for more funds or by a repetition of the whole juggling process with funds set up for some other purpose. The process can go on indefinitely.
>
> We've overlooked, for purposes of simplification in this analogy, the fact that A's business may change hands during this procedure—the present Legislature retires next January in favor of the members to be elected in November and the present Legislature cannot legally bind the next one—and the new owners of A's business may refuse to pay B his money at all. If that happened, B would have to scrape up the money to pay his bank loan elsewhere, which means by additional local taxes.
>
> Shades of Insull and Ivar Kreuger! The James program is the most amazing complication of financing juggling with money which isn't the state's to begin with which ever has been attempted in Pennsylvania. Governor James has buttered it up with talk of "economy" and the "rubber stamp" Republican House and Senate majorities swallowed it whole.
>
> Thus the whole sorry mess of putting off bills until tomorrow has been continued for a few more months. And the cost of the inevitable eventual day of reckoning has been increased tremendously.

In 1941 the General Assembly will meet again. A lot of new faces will be in this group, a lot of members who are not here now. They will be faced with the task of taking care of what our present Governor and the Republicans in Pennsylvania have enacted at this session. They will be faced with the task of increasing taxation in Pennsylvania in order to take care of the transfers of funds at this session. There is no use of our kidding ourselves. It is a fact. I talked aside to several members of the majority party and I have not found one member who was in favor of this program but in every case every one of those members was afraid to oppose the administration for fear that the organization would work against them in the November election.

I say to you members of this House that what you need in this Legislature, and as a member from the ranks of labor I say we have too many professional men in this House who do not know what it is all about, they don't know what the score is. What we need is more people from the majority of the voters, and the majority of voters are the people who come from the working class. We have professional men in this House today, some of them very good men, some of them knowing what it is all about, but the majority of them are only here in order to get

some prestige, in order to stick their shingle out and get more business. They are not here to put legislation across for the majority of the people—

The SPEAKER. The Chair directs the attention of the gentleman from Allegheny to the fact that personal reflections upon members of the House are prohibited under the Rules. The gentleman will proceed.

Mr. MORAN. Do I understand, Mr. Speaker, even though I have been making personal reflections, I am still to proceed?

The SPEAKER. The gentleman will proceed but not with reflections.

Mr. MORAN. Very good, Mr. Speaker.

I know, Mr. Speaker and members of the House, we have members of this House who come from the professional ranks who are very good members. We should have professional members in the House, but we should have them in the proportion to what they represent. We should have labor representatives in this House in the proportion to what they represent, and until we get that we are not going to get anywhere. I ask for a little order, Mr. Speaker.

The SPEAKER. The Chair desires to extend every courtesy to the gentleman from Allegheny but wishes to remind him that the members are anxious to go home and therefore are a little impatient. The gentleman will proceed.

Mr. MORAN. Mr. Speaker, I am anxious to go home myself. I assure the members of the House that I am not going to stop them from catching a train because I am going to be very brief. However, as I said before, I cannot resist this opportunity, and I think if I did I would be very delinquent as a representative of my constituency in my particular district, the 10th legislative district of Allegheny county, if I did not take this opportunity to say what I am saying at this time. I think this session of the Legislature has been, what shall I say, the biggest jam session in the history of the Commonwealth of Pennsylvania, and I think the bills which have been offered have been the most phony bills simply because we have a Governor who wants to be President. I thank you, ladies and gentlemen of the House.

## ADJOURNMENT SINE DIE

The SPEAKER. This being the day and the hour fixed by Concurrent Resolution of the Senate and House of Representatives as the time when the General Assembly shall adjourn sine die, I now declare this Special Session of the House of Representatives adjourned without day.

# APPENDIX

## TO THE

# LEGISLATIVE JOURNAL

## EXTRAORDINARY SESSION OF 1940



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## THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA

## NINETY-THIRD ANNUAL REPORT OF THE AUDITORS

### ASSETS

| Par Value | | Book Value |
|---|---|---|
| $ 32,013,600.00 | United States of America Government Securities | $ 32,013,039.00 |
| 8,359,347.50 | State, County & Municipal Securities | 8,179,665.70 |
| 18,907,000.00 | Railroad Bonds | 14,831,094.24 |
| 2,621,000.00 | Railroad Equipment Trust Certificates | 2,467,070.81 |
| 23,213,000.00 | Public Utility & Miscellaneous Securities | 22,205,991.15 |
| 75,937.15 | Mortgages F. H. A. | 75,937.15 |
| 10,160,668 67 | Real Estate Mortgages | 9,040,016.48 |
| 3,041,979.19 | Other Real Estate | 3,041,979.19 |
| 17,146.00 | Collateral Loans | 17,146.00 |
| 1,842,400.00 | Bank Buildings | 1,842,400.00 |
| 36.94 | Advancements | 36 94 |
| 3,319 87 | Mortgagee in Possession | 3,319 87 |
| 1.00 | St. Luke's & Children's Hosp. Equipment | 1.00 |
| 820,402.85 | Accrued Interest Receivable | 820,402.85 |
| 13,580,804.24 | Cash | 13,580,804.24 |
| $114,656,643.41 | | $108,118,904.62 |

### LIABILITIES

| | |
|---|---|
| Deposits | $ 99,826,962.49 |
| Escheatable Accounts (3,199) | 30,583.46 |
| Mortgagor Accumulations | 14,394.77 |
| F. H. A. Escrow Accounts | 2,360.25 |
| Received on Account Purchase of Other Real Estate | 2,664.70 |
| Safe Deposit Box Tax | 64.14 |
| Old Age Security Tax | 1,290.08 |
| Unemployment Tax | 3,991.88 |
| Accrued Expenses & Taxes | 868.44 |
| Surplus | 8,235,724.41 |
| | $108,118,904.62 |

### REPORT OF THE AUDITORS

The undersigned, Auditors appointed by the President Judges of the Court of Common Pleas of Philadelphia, to audit and settle the accounts of THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA, in conformity with the provisions of Article 1, of the "Act" incorporating the said Society, approved 8th February, 1847, having been duly sworn according to law faithfully so to do:

Certify that the Assets of the said Society, at the close of business on the Thirtieth day of December, 1939, have been examined and verified by them, and that the value thereof as set forth in the above Schedule agrees with the books and the balance sheet of the Society.

The amount due to depositors, including interest, on the First day of January, 1940, and the Surplus or Contingent Fund are correctly stated and are in agreement with the books and balance sheet.

THOMAS RIDGWAY
CHAS. J. BIDDLE
FRANCIS H. BOHLEN, Jr.

The Society also holds for 978 depositors, United States of America Treasury Bonds, deposited severally by them for safekeeping of which the par value is $155,550.00

THOMAS RIDGWAY
CHAS. J. BIDDLE
FRANCIS H. BOHLEN, Jr.

## REPORT OF THE AUDITORS OF THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA FOR THE YEAR 1939

### ASSETS

| Par Value | U. S. GOVERNMENT SECURITIES | Book Value |
|---|---|---|
| $ 1,000,000.00 | United States of America 2% Treasury Bonds, 1947 | $ 1,000,000.00 |
| 500,000.00 | United States of America 2½% Treasury Bonds. 1948 | 500,000.00 |
| 3,175,000.00 | United States of America 2½% Treasury Bonds, 1952-50 | 3,175,000.00 |
| 2,104,000.00 | United States of America 2½% Treasury Bonds. 1953-49 | 2,103,945.31 |
| 2,000,000.00 | United States of America 2¾% Treasury Bonds, 1947-45 | 2,000,000.00 |
| 3,900,000.00 | United States of America 2¾% Treasury Bonds, 1951-48 | 3,900,000.00 |
| 3,100,000.00 | United States of America 2¾% Treasury Bonds, 1954-51 | 3,099,496.08 |
| 332,500.00 | United States of America 2¾% Treasury Bonds, 1959-56 | 332,500.00 |
| 175,000.00 | United States of America 2¾% Treasury Bonds, 1963-58 | 175,000.00 |
| 750,000.00 | United States of America 2⅞% Treasury Bonds, 1960-55 | 750,000.00 |
| 500,000.00 | United States of America 3% Treasury Bonds. 1948-46 | 500,000.00 |
| 10,000.00 | United States of America 3% Treasury Bonds. 1955-51 | 10,000.00 |
| 2,430,000.00 | United States of America 3⅛% Treasury Bonds 1949-46 | 2,430,000.00 |
| 753,600.00 | United States of America 3¼% Treasury Bonds. 1946-44 | 753,600.00 |
| 850,000.00 | United States of America 3⅜% Treasury Bonds, 1947-43 | 850,000.00 |
| 9,000.00 | United States of America 3¾% Treasury Bonds. 1956-46 | 9,000.00 |
| 3,075,000.00 | United States of America 4% Treasury Bonds. 1954-44 | 3,075,000.00 |
| 2,299,000.00 | United States of America 4¼% Treasury Bonds, 1952-47 | 2,299,000.00 |
| $26,963,100.00 | | $26,962,541.39 |
| 280,000.00 | Commodity Credit Corporation 1% Notes, Ser "E", 1941 | 280,000.00 |
| 266,000.00 | Commodity Credit Corporation ⅝% Notes, Ser "D", 1941 | 266,000.00 |
| 502,000.00 | Federal Farm Mortgage Corpn. 2¾% Bonds, 1947-42 | 502,000.00 |
| 1,800,000.00 | Federal Farm Mortgage Corpn. 3% Bonds, 1949-44 | 1,800,000.00 |
| 2,202,500.00 | Home Owners' Loan Corporation 3% Bonds, Ser "A". 1952-44 | 2,202,497.61 |
| $32,013,600.00 | | $32,013,039.00 |

### STATE, COUNTY & MUNICIPAL SECURITIES

| | | |
|---|---|---|
| $ 66,000.00 | Albany Port District, N. Y. 4¾s, Ser of 1929; 1952-51 | $ 65,340.00 |
| 158,000.00 | Allegheny County, Pa. Miscellaneous 4¼s; 1947-42 | 157,210.00 |
| 50,000.00 | Allegheny County, Pa. Bridge 4¼s, Ser 20; 1942 | 49,750.00 |
| 50,000.00 | Allegheny County, Pa. Road 4¼s, Ser 34-B3; 1943 | 49,750.00 |
| 100,000.00 | City of Baltimore, Md. Gen'l Impvt. 5s, Serial 1922-46 Loan; due 1942 (Reg) | 100,000.00 |
| 41,000.00 | City of Bethlehem, Pa. Refunding Water 3½s; 1949-46 | 40,180.00 |
| 325,000.00 | Government of the Dominion of Canada Seven Yr. 2¼s; 1944 | 322,562.50 |
| 275,000.00 | Government of the Dominion of Canada 2½s; 1945-43 | 260,562.50 |
| 257,000.00 | Government of the Dominion of Canada Thirty Yr. 3s; 1967 | 239,008.82 |
| 293,000.00 | Government of the Dominion of Canada Thirty Yr. 3s; 1968 | 271,588.97 |
| 890,000.00 | Government of the Dominion of Canada Twenty-Five Yr. 3¼s; 1961 | 854,160.00 |
| 100,000.00 | Government of the Dominion of Canada Thirty Year 4s; 1960-50 | 97,375 00 |
| 50,000.00 | Government of the Dominion of Canada 5s; 1952-42 | 50,000.00 |

REPORT OF THE AUDITORS OF THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA FOR THE YEAR 1939 (Continued)

ASSETS

| Par Value | | Book Value |
|---|---|---|
| 115,000.00 | City of Cranston, R. I. 2½s, Ser "C", Sewerage Loan, Act of 1939; 1961-51 | 115,000.00 |
| 281,000.00 | City of Detroit, Mich. Public Utility 4½s (Street Rwy); 1948-47 | 244,470.00 |
| 20,000.00 | City of Detroit, Mich. Various Munc. Impvt. & Refdg. 4½s, Ser "A"; 1963 | 11,200.00 |
| 1,777.50 | City of Detroit, Mich. Refunding 3¼s, Ser "B"; 1962 (Reg) | 1,244.25 |
| 3,570.00 | City of Detroit, Mich. Refunding 3¼s, Ser "C"; 1962 (Reg) | 2,570.40 |
| 231,000.00 | City of Detroit, Mich. (Street Rwys) Serial Equip. Trust Ctfs 2½s; 1942 | 231,000.00 |
| 82,000.00 | City of Houston, Texas, Voted 2¾s; 1946 | 81,590.00 |
| 14,000.00 | City of Los Angeles, Cal. Elec. Plant 4½s, Ser "D"; 1945 | 14,000.00 |
| 10,000.00 | City of Los Angeles, Cal. Elec. Plant 4½s, Ser "C"; 1945 | 10,000.00 |
| 50,000.00 | City of Los Angeles, Cal. Elec. Plant 3¾s, Class "G"; 1953 | 50,000.00 |
| 100,000.00 | City of Los Angeles, Cal. Water Works 3½s, Class "L"; 1965-63 | 99,500.00 |
| 10,000.00 | City of Los Angeles, Cal. Water Works 3½s, Class "M"; 1964 | 9,950.00 |
| 169,000.00 | State of Louisiana Refunding 3¼s; 1960-57 | 168,577.50 |
| 81,000.00 | State of Louisiana Refunding 3½s; 1953-50 | 80,898.75 |
| 250,000.00 | Metropolitan Water District of Southern California (Colorado River Water Works) Refunding 4s; 1961-60 | 250,000.00 |
| 74,000.00 | State of Minnesota Trunk Highway 4¼s; 1947-40 | 73,752.48 |
| 15,000.00 | State of Missouri Road 4¼s, Series "I"; 1944 | 14,950.05 |
| 9,000.00 | City of Nashville, Tenn. 4¾s (Water Works Impvt of 1924), Series "B"; 1945-40 | 8,950.02 |
| 357,000.00 | City of New Orleans, La. Old Public Improvement 4s, Series of 1900; 1950-42 | 356,200.00 |
| 50,000.00 | City of New York, N. Y. Water 2½s, SR-W4; 1950 | 50,000.00 |
| 350,000.00 | City of New York, N. Y. 3s, SR-21E, SR-18V, SR-D7; 1949-48 | 350,000.00 |
| 500,000.00 | City of New York, N. Y. 3¼s (Var. Munc. Prpses); 1949-45 | 500,000.00 |
| 25,000.00 | City of New York, N. Y. 4¼s (Construc. of Schools) 1948-41 (Reg) | 22,688.61 |
| 50,000.00 | City of New York, N. Y. 4¼s (Construc. of Schools) 1943-42 | 45,793.38 |
| 25,000.00 | City of New York, N. Y. 4¼s (Construc. of Schools) 1942 | 22,829.20 |
| 291,000.00 | City of New York, N. Y. Gold Exempt School 4¼s, Ser 10E; 1952-44 | 285,180.00 |
| 45,000.00 | City of New York, N. Y. 4¼s, Ser 10E (Construc. of Schools); 1949 (Reg) | 44,887.50 |
| 50,000.00 | City of New York, N. Y. 4s (Rapid Transit Subway); 1951 | 49,500.00 |
| 250,000.00 | City of New York, N. Y. 4s (Tri-Boro Bridge & Var Munc. Prps); 1952 | 246,875.00 |
| 38,000.00 | City of Niagara Falls, N. Y. 4¼s (Public Welfare), Ser "A"; 1940 | 37,873.46 |
| 300,000.00 | Commonwealth of Pennsylvania 1½% Tax Anticipation Notes, (Loan of 6-1-39); 1941 | 300,000.00 |
| 20,000.00 | Commonwealth of Pennsylvania Soldier Bonus 3¼s, Ser "I"; 1946-45 | 20,000.00 |
| 300,000.00 | City of Philadelphia, Pa. Serial 2½s; 1951-50 | 299,655.00 |
| 195,000.00 | City of Philadelphia, Pa. 4¼s (Loans of 1923-24-25-26); due 1976-46 | 195,000.00 |
| 250,000.00 | City of Philadelphia, Pa. Fifteen Year 5s (Loan of 7-1-29); due 1947 | 249,250.00 |
| 25,000.00 | City of Philadelphia, Pa. School District 4½s; 1941 | 24,875.00 |
| 95,000.00 | City of Philadelphia, Pa. School District 4½s (Loan of 12-1-25); due 1945 | 94,525.00 |
| 175,000.00 | City of Pittsburgh, Pa. Miscellaneous ¼s of 1926; 1942 | 174,781.25 |
| 75,000.00 | Sacramento City, Cal. Unified Schl Dist. Sacramento County 2½s; 1957-54 | 74,423.78 |
| 185,000.00 | City of St. Louis, Mo. Gen'l Relief 3¾s; 1941-40 | 183,150.00 |
| 50,000.00 | City of St. Louis, Mo. Public Bldg & Impvt 4½s; 1943 | 50,000.00 |
| 47,000.00 | City of St. Paul, Minn. Public Welfare 4s; 1942-40 | 46,941.25 |
| 120,000.00 | City & County of San Francisco, Cal. Water 4½s; 1950-40 | 117,700.00 |
| 70,000.00 | City & County of San Francisco, Cal. Memorial Halls 4½s; 1946-44 | 68,950.00 |
| 10,000.00 | City & County of San Francisco, Cal. Hospital 4½s; 1948 | 9,700.00 |
| 10,000.00 | Union County, New Jersey, Park 4¼s; 1940 | 9,950.00 |
| 50,000.00 | County of Westchester, New York, Park 4s; 1942 | 44,696.03 |
| 180,000.00 | State of West Virginia 4¼s, Series 1930; 1948-45 | 179,100.00 |
| $ 8,359,347.50 | | $ 8,179,665.70 |

RAILROAD BONDS

| | | |
|---|---|---|
| $ 173,000.00 | Atchison, Topeka & Santa Fe Rwy Adjustment Mortgage 4s; 1995 | 156,232.50 |
| 15,000.00 | Atlantic Coast Line RR Gen'l Unified Mtge 4½s, Ser "A"; 1964 | 12,750.00 |
| 126,000.00 | Atlantic Coast Line RR Collateral Trust 5s; 1945 | 94,715.00 |
| 177,000.00 | Baltimore & Ohio RR First Mortgage 4s; 1948 | 130,319.92 |
| 345,000.00 | Baltimore & Ohio RR (Pitts., Lake Erie & West Va. Sys) Refunding Mortgage 4s; 1951 | 296,700.00 |
| 90,000.00 | Baltimore & Ohio RR (Pitts., Lake Erie & West Va. Sys) Refunding Mortgage 4s; 1951 (Reg) | 51,360.00 |
| 147,000.00 | Baltimore & Ohio RR First Mortgage 4s; 1948 (Reg) | 94,922.50 |
| 373,000.00 | Baltimore & Ohio RR (Toledo-Cincinnati Div) 1st Lien & Refdg Mortgage 4s, Ser "A"; 1959 | 279,750.00 |
| 125,000.00 | Beech Creek Extension RR First Mortgage 3½s; 1951 | 112,469.50 |
| 164,000.00 | Central Railroad of New Jersey Gen'l Mortgage 5s; 1987 (Reg) | 27,880.00 |
| 336,000.00 | Central Railroad of New Jersey Gen'l Mortgage 5s; 1987 | 57,120.00 |
| 50,000.00 | Chesapeake & Ohio Rwy Refdg & Impvt 3½s, Ser "D"; 1996 | 46,125.00 |
| 150,000.00 | Chesapeake & Ohio Rwy Refdg & Impvt 3½s, Ser "E"; 1996 | 144,375.00 |
| 70,000.00 | Chesapeake & Ohio Rwy General 4½s; 1992 | 70,000.00 |
| 169,000.00 | Chicago & Northwestern Rwy Gen'l Mortgage 4¾s; 1987 | 25,350.00 |
| 11,000.00 | Chicago & Northwestern Rwy Secured 6½s; 1936 | 1,760.00 |
| 256,000.00 | Chicago, Rock Island & Pacific Rwy Gen'l Mortgage 4s; 1988 | 35,840.00 |
| 149,000.00 | Chicago Union Station Co. First Mortgage 4s; Ser "D"; 1963 | 148,866.25 |
| 374,000.00 | Chicago Union Station Co. First Mortgage 3¾s, Ser "E"; 1963 | 370,339.15 |
| 300,000.00 | Chicago & Western Indiana RR Consolidated Mortgage 4s; 1952 | 269,750.00 |
| 200,000.00 | Chicago & Western Indiana RR First & Refdg 4¼s, Ser "D"; 1962 | 190,000.00 |
| 200,000.00 | Choctaw & Memphis RR First Mortgage 5s; 1949 | 66,000.00 |
| 300,000.00 | Choctaw, Oklahoma & Gulf RR Consol Mortgage 5s; 1952 | 31,500.00 |
| 112,000.00 | Cincinnati, Hamilton & Dayton RR General 5s; 1942 | 104,160.00 |
| 52,000.00 | Cincinnati Union Terminal Co. First Mortgage 3½s, Ser "D"; 1971 | 51,351.77 |
| 50,000.00 | Cleveland, Akron & Columbus Rwy First Consol Mortgage 4s; 1940 | 49,505.96 |
| 170,000.00 | Cleve., Cinn., Chic. & St. Louis Rwy (St. Louis Div) First Collateral Trust Mortgage 4s; 1990 | 143,939.00 |
| 30,000.00 | Cleve., Cinn., Chic. & St. Louis Rwy General 4s; 1993 | 24,446.25 |
| 282,000.00 | Cleve., Cinn., Chic. & St. Louis Rwy Refdg & Impvt Mortgage 4½s, Ser "E"; 1977 | 169,200.00 |
| 70,000.00 | Coal River Railway First 4s; 1945 | 69,962.50 |
| 13,000.00 | Columbus & Toledo RR First Mortgage 4s; 1955 | 12,790.00 |
| 50,000.00 | Connecting Railway Co. of Philadelphia 1st Mortgage 5s; 1951 | 49,875.00 |
| 192,000.00 | East Tennessee, Virginia & Georgia Rwy 1st Consol Mortgage 5s; 1956 | 179,130.00 |
| 500,000.00 | Erie RR Consolidated Mortgage Prior Lien 4s; 1996 | 215,000.00 |
| 233,000.00 | Great Northern Rwy Gen'l Mortgage 3¾s, Ser "I"; 1967 | 170,155.00 |
| 43,000.00 | Great Northern Rwy Gen'l Mortgage 4½s, Ser "D"; 1976 | 31,721.25 |
| 214,000.00 | Great Northern Rwy Gen'l Mortgage 4½s, Ser "E"; 1977 | 197,950.00 |
| 10,000.00 | Harrisburg, Portsmouth, Mt. Joy & Lancaster RR 4s; 1943 (Reg) | 10,000.00 |
| 277,000.00 | Illinois Central RR Refunding Mortgage 4s; 1955 | 141,025.00 |
| 175,000.00 | Kansas City, Ft. Scott & Memphis Rwy Refdg Mortgage 4s; 1936 | 45,500.00 |
| 400,000.00 | Lake Erie & Western RR First Extended 3s; 1947 | 380,000.00 |
| 180,000.00 | Lehigh Coal & Navigation Co. Funding & Impvt Mortgage 4s, Ser "A"; 1948 | 178,217.81 |
| 36,000.00 | Lehigh Coal & Navigation Co. Consolidated Mortgage 4½s, Ser "C"; 1954 | 28,800.00 |
| 50,000.00 | Lehigh & New England RR Gen'l Mortgage 4s, Ser "A"; 1965 | 47,500.00 |
| 28,000.00 | Lehigh & New England RR First 5s; 1945 | 28,000.00 |
| 85,000.00 | Lehigh Valley RR First 4s; 1948 | 63,750.00 |

REPORT OF THE AUDITORS OF THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA FOR THE YEAR 1939 (Continued)

ASSETS

| Par Value | | Book Value |
|---|---|---|
| 72,000.00 | Lehigh Valley Railway Co. (New York) First Mortgage 4½s; 1940 | 36,091.25 |
| 154,000.00 | Louisville & Nashville RR First & Refdg Mortgage 4½s, Ser "C"; due 2003 | 138,802.50 |
| 130,000.00 | Louisville & Nashville RR First & Refdg Mortgage 4s, Ser "D"; due 2003 | 110,227.50 |
| 73,000.00 | Michigan Central RR Refdg & Impvt Mortgage 4½s, Ser "C"; due 1979 | 52,148.75 |
| 300,000.00 | Milwaukee, Sparta & Northwestern Rwy First Mortgage 4s; 1947 | 42,000.00 |
| 346,000.00 | Nashville, Chattanooga & St. Louis Rwy First Mortgage 4s, Ser "A"; 1978 | 311,400.00 |
| 100,000.00 | New York Central & Hudson River RR 1st Mortgage 3½s; 1997 | 88,343.02 |
| 152,000.00 | New York Central & Hudson River RR Lake Shore Collateral 3½s; 1998 | 113,237.50 |
| 350,000.00 | New York Central & Hudson River RR (Michigan Central Collateral) 3½s; 1998 | 297,500.00 |
| 177,000.00 | New York Central RR Consolidation Mortgage 4s, Ser "A"; 1998 | 141,600.00 |
| 600,000.00 | New York, Chicago & St. Louis RR First Mortgage 3½s; 1947 | 576,000.00 |
| 27,000.00 | New York Connecting RR First Mortgage 5s, Ser "B"; 1953 | 26,797.50 |
| 4,000.00 | New York & Erie RR Second 5s; 1939 | 3,000.00 |
| 100,000.00 | New York, New Haven & Hartford RR 6% Convertible Debentures; 1948 (Reg) | 17,000.00 |
| 351,000.00 | New York, Pennsylvania & Ohio RR Prior Lien Extended 4¼s; 1950 | 333,450.00 |
| 50,000.00 | Norfolk & Southern Rwy First Mortgage 5s; 1941 | 15,000.00 |
| 100,000.00 | Norfolk & Western Rwy 1st Consolidated Mortgage 4s; 1996 | 100,000.00 |
| 100,000.00 | Northern Pacific Rwy Prior Lien Railway & Land Grant 4s; 1997 | 87,009.36 |
| 85,000.00 | Northern Pacific Rwy Refdg & Impvt Mortgage 4½s, Ser "A"; 2047 | 78,200.00 |
| 200,000.00 | Ogdensburg & Lake Champlain Rwy First Mortgage 4s; 1948 | 9,500.00 |
| 214,000.00 | Oregon Short Line RR Consol First Mortgage 5s (Unguaranteed); 1946 | 213,890.00 |
| 250,000.00 | Pennsylvania Company Secured 4s; 1963 | 250,000.00 |
| 98,000.00 | Pennsylvania RR Consolidated 4s (Stamped) (Loan of 5-1-08); 1948 | 98,000.00 |
| 6,000.00 | Pennsylvania RR Consolidated 4s (Unstamped ) (Loan of 5-1-08); due 1948 | 6,000.00 |
| 513,000.00 | Pennsylvania RR Consolidated Mortgage 4½s of 1915; 1960 | 511,291.71 |
| 70,000.00 | Pennsylvania RR General 4½s, Ser "A"; 1965 | 65,886.15 |
| 14,000.00 | Pennsylvania RR Gen'l Mortgage 5s, Ser "B"; 1968 | 14,000.00 |
| 86,000.00 | Pennsylvania RR General 3¾s, Series "C"; 1970 | 74,474.16 |
| 730,000.00 | Pennsylvania RR Gen'l Mortgage 4¼s, Ser "D"; 1981 | 701,732.63 |
| 135,000.00 | Pennsylvania & New York Canal & Railroad Co. Consolidated Mortgage 5s; 1949 (Reg) | 82,360.00 |
| 450,000.00 | Pennsylvania, Ohio & Detroit RR First & Refdg Mortgage 4½s, Series "A"; 1977 | 444,168.90 |
| 265,000.00 | Pere Marquette Rwy First 4½s, Series "C"; 1980 | 233,200.00 |
| 282,000.00 | Pere Marquette Rwy First Mortgage 5s, Ser "A"; 1956 | 244,706.56 |
| 498,000.00 | Pitts., Cinn., Chic. & St. Louis Rwy Gen'l Mortgage 5s, Series "B"; 1975 | 491,775.00 |
| 452,000.00 | Pitts., Cinn., Chic. & St. Louis Rwy Gen'l Mortgage 4½s, Series "C"; 1977 | 442,487.29 |
| 5,000.00 | Pitts., Cinn., Chic. & St. Louis RR Consol Mortgage 4s, Series "D"; 1945 | 5,000.00 |
| 2,000.00 | Pitts., Cinn., Chic. & St. Louis Rwy Consolidated 4s, Ser "G"; due 1957 | 2,000.00 |
| 37,000.00 | Pittsburgh, Virginia & Charleston RR First Mortgage 4s; 1943 | 36,740.00 |
| 23,000.00 | St. Paul & Duluth RR First Consolidated Mortgage 4s; 1968 | 22,177.31 |
| 10,000.00 | San Francisco & San Joaquin Valley Rwy First 5s; 1940 | 10,000.00 |
| 100,000.00 | Scioto Valley & New England RR First Mortgage 4s; 1989 | 100,000.00 |
| 805,000.00 | Southern Pacific RR First Refunding 4s; 1955 | 662,538.73 |
| 240,000.00 | Southern Pacific Co. (San Francisco Terminal) First Mortgage 4s; 1950 | 218,822.17 |
| 205,000.00 | Southern Pacific Co. Central Pacific Stock Collateral 4s; 1949 | 114,718.47 |
| 335,000.00 | Southern Pacific Co. Ten Yr. Secured 3¾s; 1946 | 186,178.12 |
| 460,000.00 | Southern Railway Co. 1st Consolidated Mortgage 5s; 1994 | 423,687.50 |
| 84,000.00 | Terminal Railroad Association of St. Louis First Consolidated Mortgage 5s; 1944 | 83,895.00 |
| 2,000.00 | Toledo, Walhonding Valley & Ohio RR First Mortgage 4s, Series "C"; 1942 | 2,000.00 |
| 544,000.00 | Union Pacific RR First Lien & Refunding Mortgage 4s; 2008 | 516,484.28 |
| 54,000.00 | Union Pacific RR First Mortgage Railroad & Land Grant 4s; 1947 | 53,940.30 |
| 25,000.00 | Union Pacific RR First Mortgage Railroad & Land Grant 4s; 1947 (Reg) | 24,750.00 |
| 477,000.00 | Virginian Railway Co. First Lien & Refunding Mortgage 3¾s, Ser "A"; 1966 | 473,136.97 |
| 155,000.00 | Western Maryland RR First Mortgage 4s; 1952 | 131,241.25 |
| 258,000.00 | West Shore RR First Mortgage 4s (Guaranteed); 2361 (Reg) | 206,400.00 |
| $18,907,000.00 | | $14,831,094.24 |

RAILROAD EQUIPMENT TRUST CERTIFICATES

| | | |
|---|---|---|
| $ 100,000.00 | Boston & Maine RR 4% Equipment Trust, Ser. No. 6 of 1934; due 1946-45 | 100,000.00 |
| 100,000.00 | Cambria & Indiana RR 2¾% Equip. Trust, Ser "H"; 1947-46 | 99,500.00 |
| 12,000.00 | Central of Georgia Rwy 4½% Equip. Trust, Ser "Q"; 1940 | 10,920.00 |
| 150,000.00 | Chesapeake & Ohio Rwy 4½% Equip. Trust, Ser of 1930; 1943-42 | 149,250.00 |
| 300,000.00 | Chicago, Burlington & Quincy RR 2½% Equip. Trust of 1937; due 1947-45 | 297,485.86 |
| 100,000.00 | Illinois Central RR 4% Equipment Trust, Series "Q"; 1944 | 99,000.00 |
| 311,000.00 | Illinois Central RR 3% Equipment Trust, Series "R"; 1949-45 | 295,922.28 |
| 8,000.00 | Pennsylvania RR 4½% Gen'l Equip. Trust Ctfs., Ser "D"; 1940 | 7,880.00 |
| 614,000.00 | Pennsylvania RR 2¾% Equipment Trust, Ser "G"; 1950-47 | 602,176.05 |
| 470,000.00 | Pennsylvania RR 2¾% Equipment Trust, Ser "H"; 1949-47 | 456,558.93 |
| 150,000.00 | Pennsylvania RR 2¾% Equipment Trust, Ser "J"; 1949-48 | 148,740.12 |
| 100,000.00 | Pennsylvania RR 4% Equipment Trust, Series "E"; 1940 | 100,000.00 |
| 33,000.00 | St. Louis-San Francisco Rwy 4½% Equip. Trust, Ser "BB"; 1941-40 | 13,200.00 |
| 143,000.00 | St. Louis-San Francisco Rwy 4½% Equip. Trust, Ser "DD"; 1944-40 | 57,200.00 |
| 10,000.00 | Southern Railway Co. 4½% Equipment Trust, Ser "AA"; 1941 | 9,816.90 |
| 20,000.00 | Virginian Railway Co. 4½% Equip. Trust; Series "E"; 1940 | 19,420.67 |
| $ 2,621,000.00 | | $ 2,467,070.81 |

MISCELLANEOUS SECURITIES

| | | |
|---|---|---|
| $ 200,000.00 | Hotel Adelphia Second Mortgage Cumulative Income; 1959 (Reg) | $ 63,500.00 |
| 49,000.00 | Adelphia Hotel 5% First Preferred Stock Noncumulative | 1.00 |
| | Adelphia Hotel Common Stock, Class "A" (No Par) (Reg) | 1.00 |
| 140,000.00 | Alabama Power Co. First Mortgage Lien & Refunding 5s, Series due 1956 | 128,800.00 |
| 240,000.00 | Allentown-Bethlehem Gas Co. First Mortgage 3¾s; 1965 (Reg) | 239,700.00 |
| 250,000.00 | American Telephone & Telegraph Co. 3¼% Debentures; 1961 | 249,642.87 |
| 150,000.00 | American Telephone & Telegraph Co. Thirty Year 3¼% Debentures; 1966 | 148,772.29 |
| 263,000.00 | Atlantic Refining Co. Fifteen Year 3% Debentures; 1953 | 262,000.00 |
| 85,000.00 | Bell Telephone Co. of Pennsylvania First & Refdg Mortgage 5s, Ser "B"; 1948 | 85,000.00 |
| 107,000.00 | Bell Telephone Co. of Pennsylvania First & Refdg Mortgage 5s, Series "C"; 1960 | 106,870.78 |
| 500,000.00 | Bellevue-Stratford Hotel First Mortgage 5¾s; 1935 (Reg) | 95,000.00 |
| 100,000.00 | Benjamin-Franklin Hotel First Mortgage 6s, Ser "A"; 1933 (Reg) | 38,000.00 |
| 569,000.00 | Brooklyn Edison Co., Inc. Consolidating Mortgage 3¼s, Series of 1936; due 1966 | 563,646.11 |
| 286,000.00 | California Toll Bridge Authority (San Francisco-Oakland Bay Toll Bridge) Revenue 4s; 1950-57, Inc. | 286,000.00 |
| 420,000.00 | Central Hudson Gas & Electric Corpn. First & Refdg Mortgage 3½s; 1965 | 415,971.58 |
| 219,000.00 | Central Illinois Light Co. First & Consolidated Mortgage 3½s, Series due 1966 | 219,000.00 |
| 599,000.00 | Cincinnati Gas & Electric Co. First Mortgage 3¼s; 1966 | 589,532.35 |

REPORT OF THE AUDITORS OF THE WESTERN SAVING FUND SOCIETY OF PHILADELPHIA FOR THE YEAR 1939 (Concluded)

ASSETS

| Par Value | | Book Value |
|---|---|---|
| 114,000.00 | Cincinnati Gas & Electric Co. First Mortgage 3½s; 1967 | 114,000.00 |
| 175,000.00 | City of Cleveland, Ohio (County of Cuyahoga) Electric Light & Power Plant & System Extension First Mortgage 3½s; 1951-50 | 175,000.00 |
| 125,000.00 | City of Cleveland, Ohio (County of Cuyahoga) Electric Light & Power Plant & System Extension First Mortgage 3½s; 1951-50 | 125,000.00 |
| 156,000.00 | Cleveland Electric Illuminating Co. First Mortgage 3¾s, Series due 1965 | 154,985.41 |
| 211,000.00 | Commonwealth Edison Co. First Mortgage 3½s, Ser. "I"; 1968 | 209,945.00 |
| 140,000.00 | Connecticut Light & Power Co. First & Refdg. Mortgage 3½s, Series "F"; 1966 | 138,844.77 |
| 399,000.00 | Connecticut Light & Power Co. First & Refdg. Mortgage 3¼s, Series "G"; 1966 | 398,540.26 |
| 86,000.00 | Connecticut River Power Co., First Mortgage 3¾s Ser. "A"; due 1961 | 85,140.00 |
| 156,000.00 | Consolidated Gas, Electric Light & Power Co. of Balto. First Refdg. Mortgage 3¼s, Ser "N"; 1971 | 153,941.18 |
| 300,000.00 | Delaware Power & Light Co. First Mortgage 4½s, Series due 1971 | 298,500.00 |
| 230,000.00 | Detroit Edison Co. Gen'l & Refdg. Mortgage 4s, Ser "F"; 1965 | 229,712.50 |
| 383,000.00 | Duquesne Light Co. First Mortgage 3½s; 1965 | 380,046 79 |
| 296,000.00 | Edison Electric Illuminating Co. of Boston First Mortgage 30 Yr. S. F. 3½s, Ser "A"; 1965 | 294,403.18 |
| 100,000.00 | General Motors Acceptance Corpn. Fifteen Year 3¼% Debentures; due 1951 | 100,000.00 |
| 225,000.00 | Gulf States Utilities Co. First Mortgage & Refunding 3½s, Series "D"; 1969 | 225,000.00 |
| 26,000.00 | Houston Lighting & Power Co. First Mortgage 3½s; 1966 | 26,000.00 |
| 37,000.00 | Illinois Bell Telephone Co. First & Refdg. Mortgage 3½s, Series "B"; 1970 | 37,000.00 |
| 100,000.00 | City of Los Angeles, Ca. Dept. of Water & Power. Elec. Plant Revenue. Second Issue of 1937, 3¼s; 1958-57 | 98,875.00 |
| 100,000.00 | City of Los Angeles, Cal. Dept. of Water & Power. Elec. Plant Revenue. Issue of 1937, 3½s, Ser "A"; 1964-55 | 99,500.00 |
| 50,000.00 | City of Los Angeles, Cal. Dept. of Water & Power, Elec. Plant Revenue, Issue of 1937, 3½s, Ser "B"; 1977 | 49,000.00 |
| 450,000.00 | Louisville Gas & Electric Co. First & Refdg. Mortgage 3½s, Series due 1966 | 444,019.50 |
| 400,000.00 | National Steel Corpn. First (Collateral) Mortgage 3s; 1965 | 397,293.75 |
| 26,000.00 | Newark Consolidated Gas Co. Consolidated Mortgage 5s; 1948 | 26,000.00 |
| 473,000.00 | New England Power Co. First Mortgage 3¼s, Ser "A"; 1961 | 465,432 00 |
| 50,000.00 | New England Telephone & Telegraph Co. First Mortgage 5s, Series "A"; 1952 | 50,000.00 |
| 170,000.00 | New York Dock Co. First Mortgage 4s.; 1951 | 98,600.00 |
| 573,000.00 | New York Edison Co., Inc. First Lien & Refdg. Mortgage 3¼s, Series "D"; 1965 | 568,696 36 |
| 313,000.00 | New York Edison Co., Inc. First Lien & Refdg. Mortgage 3¼s, Series "E"; 1966 | 310,016.01 |
| 100,000 00 | New York Gas, Electric Light, Heat & Power Co. First Mortgage 5s. 1948 | 100,000.00 |
| 320,000.00 | New York & Queens Electric Light & Power Co. First & Consolidating Mortgage 3½s, Series of 1935; 1965 | 318,019 63 |
| 249,000.00 | New York Telephone Co. Refunding Mortgage 3¼s, Ser "B"; due 1967 | 248,787.18 |
| 300,000.00 | New York & Westchester Lighting Co. Gen'l Mortgage 4s; 2004 | 279,000.00 |
| 250,000.00 | Northern States Power Co. (Wisconsin Corpn) First Mortgage 3½s; 1964 | 250,000.00 |
| 600,000.00 | Ohio Power Co. First Mortgage 3¼s; 1968 | 598,500.00 |
| 750,000.00 | Pacific Gas & Electric Co. First & Refdg. Mortgage 3¾s, Series "H"; 1961 | 743,716.67 |
| 465,000.00 | Pacific Telephone & Telegraph Co. Refunding Mortgage 3¼s, Series "B"; 1966 | 461,013.77 |
| 415,000.00 | Pacific Telephone & Telegraph Co. Refunding Mortgage 3¼s, Series "C"; 1966 | 408,697.47 |
| 100,000.00 | Pennsylvania Bldg. First Mortgage 6s, Series "A"; 1934 (Reg) | 20,500 00 |
| 173,000.00 | Pennsylvania Water & Power Co. Refdg. Mortgage & Collateral Trust 3¼s, Series due 1964 | 173,000.00 |
| 316,000.00 | Pennsylvania Water & Power Co. First Mortgage 5s; 1940 | 315,929.72 |
| 1,024,000.00 | Philadelphia Electric Co. First & Refdg. Mortgage 3½s, Series due 1967 | 1,023,377.03 |
| 489,000.00 | Philadelphia Gas Revenue Trust Certificates 3½s; 1957-40 | 489,000 00 |
| 1,067,000.00 | Potomac Electric Power Co. First Mortgage 3¼s, Series due 1966 | 1,047,948 87 |
| 391,000.00 | Providence Gas Co. First Mortgage 4s, Series "B"; 1963 | 389,897 50 |
| 231,000.00 | Public Service Co. of Northern Illinois First Mortgage 3½s, Series due 1968 | 230,711.25 |
| 1,000,000.00 | Public Service Electric & Gas Co. First & Refdg. Mortgage 3¼s, Series due 1966 | 980,000.00 |
| 18,000.00 | Rochester Gas & Electric Corpn. Gen'l Mortgage 3½s, Ser "I"; due 1967 | 18,000.00 |
| 275,000.00 | Socony Vacuum Oil Co., Inc. Twenty-five Year 3% Debentures; due 1964 | 275,000.00 |
| 563,000.00 | Southern California Edison Co., Ltd. First & Refdg Mortgage 3¾s, Ser "A"; 1960 | 557,364.83 |
| 307,000.00 | Southern California Edison Co., Ltd. First & Refdg. Mortgage 3¾s, Ser "B"; 1960 | 303,500.40 |
| 234,000.00 | Southwestern Bell Telephone Co. First & Refdg. Mortgage 3s, Series "C"; 1968 | 232,830.00 |
| 177,000.00 | Southwestern Bell Telephone Co. First & Refdg. Mortgage 3½s. Series "B"; 1964 | 176,140.23 |
| 250,000.00 | Standard Oil Co. (New Jersey) 15 Yr. 2¾% Debentures; 1953 | 247,500.00 |
| 100,000.00 | Stanley Real Estate First Mortgage S. F. 5½s; 1945 | 70,000.00 |
| 175,000.00 | The Texas Corporation 3% Debentures; 1959 | 175,000.00 |
| 50,000.00 | The Texas Corporation 3½% Debentures; 1951 | 50,000.00 |
| 237,000.00 | Triborough Bridge Authority Serial Revenue 4s; 1964-58 | 237,000 00 |
| 900,000.00 | Union Electric Co. of Missouri First Mortgage & Coll Trust 3¾s, Series due 1962 | 900,000.00 |
| 300,000.00 | Union Oil Co. of California 3% Debentures; 1959 | 300,000.00 |
| 545,000.00 | Virginia Electric & Power Co. First & Refdg. Mortgage 3½s, Series "B"; 1968 | 545,000 00 |
| 501,000.00 | West Penn Power Co. First Mortgage 3½s, Ser "I"; 1966 | 495,626.91 |
| 300,000.00 | Wisconsin Electric Power Co. 1st Mortgage 3½s, due 1968 | 300,000 00 |
| $23,213,000.00 | | $22,205,991.15 |

NUMBER OF OPEN ACCOUNTS ON NOVEMBER 6, 1939—CLASSIFIED

| Office | Main | Chestnut Street | Kensington | Frankford | North Phila. | 21st Street | Phila. Nat'l. | First Penny | Total |
|---|---|---|---|---|---|---|---|---|---|
| $0-$1 | 23,456 | 1,127 | 302 | 375 | 224 | 102 | 15 | 2,475 | 28,076 |
| $1-$10 | 20,381 | 2,253 | 2,031 | 1,322 | 1,472 | 505 | 30 | 16,181 | 44,175 |
| $10-$20 | 5,822 | 1,927 | 1,175 | 683 | 876 | 389 | 16 | 2,815 | 13,703 |
| $20-$50 | 5,259 | 1,891 | 1,013 | 750 | 1,054 | 346 | 15 | 2,264 | 12,592 |
| $50-$100 | 4,425 | 2,123 | 1,364 | 854 | 705 | 288 | 10 | 2,539 | 12,308 |
| $100-$200 | 4,752 | 2,186 | 1,158 | 896 | 568 | 252 | 13 | 2,410 | 12,235 |
| $200-$300 | 2,800 | 1,517 | 1,088 | 750 | 890 | 315 | 15 | 1,207 | 8,582 |
| $300-$500 | 4,844 | 1,425 | 850 | 759 | 762 | 274 | 14 | 1,483 | 10,411 |
| $500 up | 20,908 | 5,640 | 3,362 | 2,580 | 2,188 | 784 | 29 | 4,517 | 40,098 |
| Total | 92,737 | 20,089 | 12,343 | 8,969 | 8,739 | 3,255 | 157 | 35,891 | 182,180 |

Sworn to and subscribed before me this 24th day of November 1939

(SEAL) (Signed) B. C. SCHUCHARD
Notary Public

My commission expires March 5, 1941.

(Signed) P. BLAIR LEE
President

(Signed) J. R. NAULTY
Treasurer

## SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY

85th ANNUAL STATEMENT
Chartered 1854
School Lane and Germantown Avenue
East Germantown Office
Chelten Avenue and Wister Street

BANKING HOURS—BOTH OFFICES
Mondays to Thursdays, inclusive 9 A. M. to 3 P M.
Fridays, 9 A. M. to 8 P. M.
Saturdays, 9 A. M. to Noon
Closed on Legal Holidays

The Managers serve without compensation, and neither they nor any officer or agent of the Saving Fund can directly or indirectly borrow money from, or become in any way indebted to it.

President
ARTHUR W. JONES

Vice-President
WILLIAM N. PRICE

Treasurer
HOWARD H. HEWETT

Secretary
ROBERT H. BOLLING

Solicitor
GEORGE WHARTON PEPPER

MANAGERS

MARRIOTT C. MORRIS
Trustee

LIVINGSTON E. JONES
President, First National Bank of Philadelphia

HARROLD E. GILLINGHAM
Insurance

THOMAS R. WHITE
Attorney-at-Law

J. SOMERS SMITH
Secretary & Treasurer, Philadelphia Contributionship

ALFRED G. SCATTERGOOD
Vice-President, Provident Trust Company

WALTER M. SCHWARTZ
President, Proctor and Schwartz, Inc.

C. STEVENSON NEWHALL
Chairman of the Board, Pennsylvania Co. for Ins. on Lives & Granting Annuities

ARTHUR W. JONES
President

CHARLES C. WRIGGINS
Vice-President, B. F. Dewees, Inc.

JOHN T. EMLEN
Trustee

EDWARD STARR, JR.
of Drexel & Co.

RICHARD P. BROWN
Vice-President, Minneapolis-Honeywell Regulator Co.

C. SEWALL CLARK
of E. W. Clark & Company

WILLIAM N. PRICE
Vice-President

### CONDENSED STATEMENT

January 1, 1940

ASSETS

| | |
|---|---|
| Cash on hand and in banks | $2,860,067.20 |
| United States Government Bonds | 6,024,525.00 |
| State and Municipal Bonds | 5,186,946.39 |
| Australian and Canadian Bonds | 771,296.25 |
| Railroad Bonds | 8,225,623.86 |
| Public Utility Bonds | 8,526,151.22 |
| Industrial Bonds | 1,211,394.81 |
| First Mortgages on Real Estate | 9,250,393.11 |
| Loans on Collateral | 7,029.00 |
| Main and Branch Office Buildings | 330,000.00 |
| Other Real Estate | 499,098.32 |
| Other Assets | 31,479.18 |
| | $42,924,004.34 |

LIABILITIES

| | |
|---|---|
| Due to 48,788 Depositors | $38,207,013.31 |
| Surplus | 4,713,842.41 |
| Other Liabilities | 3,148.62 |
| | $42,924,004.34 |

We, the Subscribers, Auditors, appointed by the Saving Fund Society of Germantown and Its Vicinity, do hereby certify that we have examined the above statement, and the assets therein named, and find them correct.

WILLIAM H. EMHARDT
GEORGE W. EMLEN, JR.
STANLEY R. YARNALL
GEORGE W. CLIFFE
JAMES STARR

January 5, 1940

UNITED STATES GOVERNMENT BONDS

| ISSUE | Per Cent | Due | Par Value | As Charged |
|---|---|---|---|---|
| Savings Bonds | 2.90 | 1948-1949 | 15,000.00 | 15,000.00 |
| Treasury Notes | 1½ | 1940 | 125,000.00 | 125,000.00 |
| Treasury Notes | 1¾ | 1942 | 170,000.00 | 170,000.00 |
| Treasury Bonds | 2 | 1950 | 144,000.00 | 144,000.00 |
| Treasury Bonds | 2½ | 1945-1953 | 290,000.00 | 290,000.00 |
| Treasury Bonds | 2¾ | 1947-1965 | 1,008,500.00 | 1,008,500.00 |
| Treasury Bonds | 3 | 1948 | 200,000.00 | 200,000.00 |
| Treasury Bonds | 3⅛ | 1949-1952 | 1,200,000.00 | 1,200,000.00 |
| Treasury Bonds | 3¼ | 1941-1946 | 725,000.00 | 725,000.00 |
| Treasury Bonds | 3⅜ | 1947 | 426,000.00 | 426,000.00 |
| Treasury Bonds | 3¾ | 1956 | 100,000.00 | 100,000.00 |
| Treasury Bonds | 4¼ | 1952 | 300,000.00 | 300,000.00 |
| *Home Owners Loan Corp. | 1½ | 1947 | 150,000.00 | 150,000.00 |
| *Home Owners Loan Coap | 2¼ | 1944 | 703,025.00 | 703,025.00 |
| *Home Owners Loan Corp. | 3 | 1952 | 226,000.00 | 226,000.00 |
| *Federal Farm Mort Corp. | 3 | 1949 | 50,000.00 | 50,000.00 |
| *U. S. Housing Authority | 1⅜ | 1944 | 60,000.00 | 60,000.00 |
| *Reconstruction Finance Corp | 1 | 1942 | 132,000.00 | 132,000.00 |
| | | | $6,024,525.00 | $6,024,525.00 |

*Guaranteed Principal & Interest by United States Government

STATE BONDS

| | | | | |
|---|---|---|---|---|
| Arkansas | 5 | 1959-1964 | 150,000.00 | 99,812.50 |
| Louisiana | 4½ | 1947-1953 | 100,000.00 | 100,000.00 |
| Louisiana Port Commission | 5 | 1950-1953 | 60,000.00 | 59,850.00 |
| North Carolina | 5 | 1942 | 50,000.00 | 50,000.00 |
| Pennsylvania | 1½ | 1941 | 300,000.00 | 300,000.00 |

MUNICIPAL BONDS

| | | | | |
|---|---|---|---|---|
| Albany Port District N. Y. | 4¾ | 1957 | 15,000.00 | 10,537.50 |
| Boston, Mass. | 4 | 1940 | 20,000.00 | 18,766.82 |
| Boston, Mass. | 4¼ | 1940 | 20,000.00 | 19,075.00 |
| California Toll Bridge Authority, San Francisco-Oakland Bay Toll Bridge | 4 | 1976 | 98,000.00 | 98,000.00 |
| Canton, Ohio | 4½ | 1954 | 10,000.00 | 9,568.00 |
| Charleston, S. C. | 4½ | 1962 | 50,000.00 | 49,875.00 |
| Chattanooga, Tenn. | 4¾ | 1951 | 30,000.00 | 30,000.00 |
| Chattanooga (Electric Power Revenue), Tenn. | 2¾ | 1968 | 100,000.00 | 100,000.00 |
| Chicago, Ill. | 3 | 1944 | 60,000.00 | 60,000.00 |
| Chicago (Park District) Ill. | 3½ | 1956 | 100,000.00 | 100,000.00 |
| Chicago, Ill. | 4 | 1946-1947 | 40,000.00 | 38,053.56 |
| Chicago (Sanitary Dist.) Ill. | 4½ | 1955 | 100,000.00 | 50,000.00 |
| Cleveland, Ohio | 4¼ | 1941 | 50,000.00 | 50,000.00 |
| Delaware River Joint Commission, Philadelphia-Camden Bridge | 4¼ | 1956-1959 | 200,000.00 | 200,000.00 |
| Detroit, Mich. | 3 | 1962 | 6,167.00 | 3,700.20 |
| Detroit, Mich. | 3¼ | 1962 | 1,875.00 | 1,125.00 |
| Detroit, Mich. | 4¼ | 1957-1963 | 250,000.00 | 220,779.17 |
| Detroit, Mich. | 4½ | 1952 | 50,000.00 | 50,000.00 |
| Fort Worth, Texas | 5 | 1949-1951 | 25,000.00 | 24,968.75 |
| Grand Rapids (Water Revenue) Mich. | 2¾ | 1965-1966 | 100,000.00 | 100,000.00 |
| Greensboro, N. C. | 3½ | 1960-1961 | 100,000.00 | 100,000.00 |
| Greater Greenville (Sewer District) S. C. | 4½ | 1967 | 50,000.00 | 50,000.00 |
| Hanover Township (School District) Pa. | 5½ | 1941-1946 | 50,000.00 | 50,000.00 |
| Houston (School District) Texas | 5 | 1945 | 15,000.00 | 15,000.00 |
| Jacksonville, Florida | 5 | 1942-1946 | 17,000.00 | 17,000.00 |
| Knoxville, Tenn. | 5 | 1951 | 30,000.00 | 29,700.00 |
| Los Angeles (Department of Water & Power) Cal. | 3½ | 1958-1977 | 150,000.00 | 149,500.00 |
| Los Angeles (Department of Water & Power) Cal. | 4 | 1951 | 50,000.00 | 50,000.00 |

| ISSUE | Per Cent | Due | Par Value | As Charged |
|---|---|---|---|---|
| Los Angeles (Electric Plant) Cal. | 4½ | 1941 | 25,000.00 | 24,295.00 |
| Los Angeles (Harbor Improvement) Cal. | 4½ | 1942-1943 | 50,000.00 | 50,000.00 |
| Los Angeles (Electric Plant) Cal. | 5 | 1945 | 60,000.00 | 60,000.00 |
| Madison (Village of) Kingshighway Bridge, Ill. | 4 | 1964 | 125,000.00 | 125,000.00 |
| Marin Municipal Water District, Cal. | 5 | 1940-1947 | 20,000.00 | 20,000.00 |
| Memphis, Tenn. | 4½ | 1945-1947 | 35,000.00 | 35,000.00 |
| Miami Conservancy District, Ohio | 5½ | 1940-1947 | 75,000.00 | 75,000.00 |
| New Orleans, La. | 4½ | 1952 | 50,000.00 | 50,000.00 |
| New Orleans Public Belt Ry. Bridge, La. | 4 | 1946-1947 | 100,000.00 | 100,000.00 |
| New York, N. Y. | 2½ | 1948-1949 | 100,000.00 | 99,287.99 |
| New York, N. Y. | 3¼ | 1950-1953 | 325,000.00 | 325,000.00 |
| New York, N. Y. | 3½ | 1954 | 150,000.00 | 150,000.00 |
| New York, N. Y. | 4 | 1959 | 75,000.00 | 75,000.00 |
| New York, N. Y. | 4¼ | 1960 | 50,000.00 | 50,000.00 |
| Norfolk, Va. | 4½ | 1940-1942 | 30,000.00 | 30,000.00 |
| Philadelphia, Pa. | 4 | 1952 | 50,000.00 | 50,000.00 |
| Philadelphia, Pa. | 4¼ | 1974-1979 | 520,000.00 | 520,000.00 |
| Philadelphia, Pa. | 4½ | 1979 | 50,000.00 | 50,000.00 |
| Philadelphia, Pa. | 5 | 1951 | 170,000.00 | 170,000.00 |
| Pittsburgh, Pa. | 5 | 1940-1951 | 72,000.00 | 72,000.00 |
| Port of New York Authority, N. Y. | 4 | 1975 | 150,000.00 | 150,000.00 |
| Port of New York Authority, N. Y. | 4¼ | 1954-1959 | 50,000.00 | 50,000.00 |
| St. Charles County Bridge, Mo. | 3¾ | 1956 | 52,000.00 | 51,387.50 |
| Salt Lake City, Utah | 5 | 1940 | 5,000.00 | 4,875.00 |
| San Diego, Cal. | 5 | 1947-1948 | 50,000.00 | 50,000.00 |
| San Francisco, Cal. | 4 | 1951-1953 | 75,000.00 | 75,000.00 |
| San Francisco, Cal. | 4½ | 1940-1942 | 12,000.00 | 11,789.40 |
| Seattle, Municipal Light & Power, Wash. | 4 | 1944 | 50,000.00 | 50,000.00 |
| Seattle, Wash. | 4½ | 1940-1941 | 8,000.00 | 8,000.00 |
| Spartanburg County, S. C. | 4½ | 1945-1947 | 50,000.00 | 50,000.00 |
| Triborough Bridge Authority, N. Y. | 4 | 1977 | 250,000.00 | 250,000.00 |
| | | | $5,332,042.00 | $5,186,946.39 |

AUSTRALIAN AND CANADIAN BONDS

| | | | | |
|---|---|---|---|---|
| Australia (Commonwealth of) | 5 | 1955-1957 | 200,000.00 | 194,521.25 |
| Canada (Dominion of) | 2½ | 1945 | 58,000.00 | 58,000.00 |
| Canada (Dominion of) | 3 | 1967-1968 | 144,000.00 | 128,490.00 |
| Canada (Dominion of) | 4 | 1960 | 100,000.00 | 90,250.00 |
| New Brunswick (Province of) Canada | 3½ | 1949 | 50,000.00 | 50,000.00 |
| Ontario (Province of) Can. | 4½ | 1943-1954 | 100,000.00 | 100,000.00 |
| Ontario (Province of) Can. | 5 | 1960 | 100,000.00 | 100,000.00 |
| Montreal (City of) Canada | 4½ | 1971 | 30,000.00 | 25,560.00 |
| Toronto (City of) Canada | 5 | 1942 | 25,000.00 | 24,475.00 |
| | | | $807,000.00 | $771,296.25 |

RAILROAD BONDS

| | | | | |
|---|---|---|---|---|
| Atchison, Topeka & Santa Fe Ry. (Transcontinental Short Line) | 4 | 1958 | 50,000.00 | 46,146.09 |
| Atchison, Topeka & Santa Fe Ry. (California-Arizona Lines | 4½ | 1962 | 75,000.00 | 71,090.00 |
| Baltimore & Ohio R. R. Equipment Trust | 4½ | 1940 | 5,000.00 | 5,000.00 |
| Baltimore & Ohio R. R. (Pittsburgh-Lake Erie & West Virginia) | 4 | 1941 | 70,000.00 | 50,109.30 |
| Baltimore & Ohio R. R. Secured Notes | 4 | 1944 | 100,000.00 | 80,000.00 |
| Baltimore & Ohio R. R. 1st | 5 | 1948 | 121,000.00 | 100,450.25 |
| Canadian National Ry. Equipment Trust | 4½ | 1943 | 114,000.00 | 114,000.00 |
| Canadian National Ry. Equipment Trust | 5 | 1940 | 5,000.00 | 4,204.50 |
| Canadian National Ry. Guaranteed | 4½ | 1956 | 100,000.00 | 97,625.00 |
| Canadian National Ry. Guaranteed | 5 | 1969 | 50,000.00 | 48,875.00 |
| Canadian Pacific Ry. Equipment Trust | 4½ | 1940-1945 | 177,000.00 | 176,886.05 |
| Canadian Pacific Ry. Consolidated | 4 | Perpetual | 100,000.00 | 85,000.00 |
| Carolina Central R. R. | 4 | 1949 | 25,000.00 | 4,000.00 |
| Central New England Ry. | 4 | 1961 | 55,000.00 | 17,000.00 |
| Central Pacific Ry. 1st Refunding | 4 | 1949 | 172,000.00 | 145,427.00 |
| Central Pacific Ry. (Through Short Line) | 4 | 1954 | 100,000.00 | 100,000.00 |
| Central Pacific Ry. Guaranteed | 5 | 1960 | 50,000.00 | 39,563.75 |
| Central Railroad of New Jersey General | 5 | 1987 | 50,000.00 | 15,000.00 |
| Chesapeake & Ohio Ry. Refunding & Improvement | 3½ | 1996 | 50,000.00 | 46,793.75 |
| Chesapeake & Ohio Ry. General | 4½ | 1992 | 75,000.00 | 65,615.75 |
| Chicago, Burlington & Quincy R. R. (Illinois Division) 1st | 3½ | 1949 | 100,000.00 | 100,000.00 |
| Chicago, Burlington & Quincy R. R. (Illinois Division) 1st | 4 | 1949 | 50,000.00 | 50,000.00 |
| Chicago, Burlington & Quincy R. R. General | 4 | 1958 | 50,000.00 | 42,250.00 |
| Chicago, Burlington & Quincy R. R. 1st & Refunding | 4½ | 1977 | 100,000.00 | 100,000.00 |
| Chicago & Erie R. R. 1st | 5 | 1982 | 35,000.00 | 28,029.25 |
| Chicago, Milwaukee & St. Paul Ry. Equipment Trust | 5½ | 1936 | 10,400.00 | 6,122.80 |
| Chicago, Milwaukee & St. Paul Ry. General | 4½ | 1989 | 198,000.00 | 52,000.00 |
| Chicago & Northwestern Ry. General | 5 | 1987 | 32,000.00 | 6,000.00 |
| Chicago, Rock Island & Pacific Ry. Equipment Trust | 3½ | 1947 | 138,550.00 | 120,405.99 |
| Chicago, Rock Island & Pacific Ry. General | 4 | 1988 | 110,000.00 | 18,950.00 |
| Chicago, St. Louis & New Orleans R. R. | 5 | 1951 | 150,000.00 | 137,843.75 |
| Chicago Union Station 1st | 3¾ | 1963 | 200,000.00 | 200,000.00 |
| Choctaw & Memphis R. R. | 5 | 1949 | 85,000.00 | 28,000.00 |
| Choctaw, Oklahoma & Gulf R. R. | 5 | 1952 | 100,000.00 | 11,000.00 |
| Cleveland, Cincinnati, Chicago & St. Louis Ry. (St. Louis Division) | 4 | 1990 | 190,000.00 | 170,538.45 |
| Cleveland, Cincinnati, Chicago & St. Louis Ry. (Cincinnati, Wabash & Michigan Division) | 4 | 1991 | 125,000.00 | 99,937.50 |
| Cleveland, Cincinnati, Chicago & St. Louis Ry. Refunding & Improvement | 4½ | 1977 | 43,000.00 | 37,957.00 |
| East Tennessee, Virginia & Georgia Ry. | 5 | 1956 | 233,000.00 | 207,088.50 |
| Eastern Railway of Minnesota (Northern Division) | 4 | 1948 | 132,000.00 | 132,000.00 |
| Erie R. R. Equipment Trust | 4½ | 1940-1941 | 60,000.00 | 58,841.43 |
| Erie R. R. 1st Consolidated Prior Lien | 4 | 1996 | 100,000.00 | 41,537.50 |
| Great Northern Ry. General | 4½ | 1977 | 100,000.00 | 91,312.50 |
| Great Northern Ry. General | 5 | 1973 | 50,000.00 | 48,871.25 |
| Greenbrier, Cheat & Elk R. R. | 5 | 1944 | 50,000.00 | 49,250.00 |
| Illionis Central R. R. Equipment Trust | 3 | 1944-1945 | 100,000.00 | 99,798.54 |
| Illinois Central R. R. Collateral Trust | 4 | 1952 | 72,000.00 | 52,550.00 |
| Illinois Central R. R. | 4 | 1953 | 100,000.00 | 65,187.50 |
| Illinois Central R. R. & Chicago, St. Louis & New Orleans R. R. | 5 | 1963 | 100,000.00 | 80,000.00 |
| Jacksonville Terminal Refunding & Extension | 6 | 1967 | 55,000.00 | 55,000.00 |
| Kansas City, Fort Scott & Memphis Ry. Refunding | 4 | 1936 | 100,000.00 | 35,000.00 |
| Kansas City Terminal Ry. | 4 | 1960 | 200,000.00 | 184,278.75 |
| Kentucky Central Ry. | 4 | 1987 | 50,000.00 | 42,065.00 |
| Lake Erie & Western R. R. | 3 | 1947 | 100,000.00 | 100,000.00 |
| Lehigh & New England R. R. General | 4 | 1965 | 98,000.00 | 97,980.00 |
| Lehigh Valley R. R. General Consolidated | 4½ | 2003 | 28,000.00 | 5,692.16 |
| Long Island R. R. Refunding | 4 | 1949 | 97,000.00 | 85,770.00 |
| Midland Valley R. R. 1st | 5 | 1943 | 25,000.00 | 20,000.00 |
| Milwaukee, Sparta & Northwestern Ry. | 4 | 1947 | 19,000.00 | 3,000.00 |
| Minneapolis, St. Paul & Sault Ste. Marie Ry. 1st Consolidated | 4 | 1938 | 50,000.00 | 4,000.00 |
| Minneapolis, St. Paul & Sault Ste Marie Ry. 2d | 4 | 1949 | 63,000.00 | 35,000.00 |
| Missouri Pacific R. R. Equipment Trust | 4½ | 1940-1944 | 50,000.00 | 45,633.61 |
| Missouri Pacific Ry. 3d | 4 | 1938 | 31,000.00 | 18,607.50 |
| New York Central & Hudson River R. R. (Lake Shore Collateral) | 3½ | 1998 | 100,000.00 | 72,563.75 |
| New York Central & Hudson River R. R. (Michigan Central Collateral) | 3½ | 1998 | 50,000.00 | 36,875.00 |
| New York Central R. R. Secured Sinking Fund | 3¾ | 1946 | 100,000.00 | 98,017.50 |
| New York Central R. R. Consolidated | 4 | 1998 | 50,000.00 | 39,625.00 |
| New York Central R. R. Refunding & Improvement | 4½ | 2013 | 113,000.00 | 93,000.00 |
| New York, Chicago & St. Louis R. R. | 3½ | 1947 | 200,000.00 | 200,000.00 |
| New York Connecting R. R. | 4½ | 1953 | 50,000.00 | 32,262.50 |
| New York, Lackawanna & Western Ry. | 4 | 1973 | 100,000.00 | 79,750.00 |
| New York, New Haven & Hartford R. R. Equipment Trust | 4½ | 1940 | 25,000.00 | 23,049.38 |

| ISSUE | Per Cent | Due | Par Value | As Charged |
|---|---|---|---|---|
| New York, Pennsylvania & Ohio R. R. | 4¼ | 1950 | 150,000.00 | 150,000.00 |
| Northern Pacific Ry. Equipment Trust | 4 | 1948-1949 | 25,000.00 | 25,000.00 |
| Northern Pacific Ry. General Lien | 3 | 2047 | 50,000.00 | 25,876.25 |
| Northern Pacific Ry. Prior Lien | 4 | 1997 | 127,000.00 | 106,763.25 |
| Oregon Short Line R. R. Consolidated 1st Unstamped | 5 | 1946 | 200,000.00 | 194,398.75 |
| Pacific R. R. of Missouri 2d | 5 | 1938 | 75,000.00 | 51,000.00 |
| Pennsylvania Company Trust Certificates | 3½ | 1941-1944 | 97,000.00 | 89,107.95 |
| Pennsylvania R. R. Equipment Trust | 2¾ | 1946-1947 | 100,000.00 | 98,243.01 |
| Pennsylvania R. R. Convertible | 3¼ | 1952 | 3,000.00 | 2,272.50 |
| Pennsylvania R. R. General | 4¼ | 1984 | 145,000.00 | 124,474.82 |
| Pennsylvania R. R. Consolidated | 4½ | 1960 | 100,000.00 | 89,207.50 |
| Philadelphia & Reading R. R. Improvement | 4 | 1947 | 50,000.00 | 50,000.00 |
| Pittsburgh, Bessemer & Lake Erie R. R. | 5 | 1947 | 29,000.00 | 29,000.00 |
| Pittsburgh, Cincinnati, Chicago & St. Louis Ry. Consolidated | 4 | 1957 | 200,000.00 | 200,000.00 |
| Pittsburgh, Cincinnati, Chicago & St. Louis Ry. Consolidated | 4½ | 1940-1963 | 120,000.00 | 116,087.50 |
| Pittsburgh, Cincinnati, Chicago & St. Louis R. R. General | 4½ | 1977 | 250,000.00 | 250,000.00 |
| Pittsburgh & West Virginia Ry. | 4½ | 1960 | 100,000.00 | 81,961.25 |
| Reading Company Purchase Money Mortgage | 4 | 1952 | 25,000.00 | 22,000.00 |
| Reading Company General & Refunding | 4½ | 1997 | 200,000.00 | 200,000.00 |
| Richmond Terminal Ry. | 5 | 1952 | 125,000.00 | 123,714.00 |
| St. Louis, Southwestern Ry. Equipment Trust | 5 | 1940 | 4,000.00 | 4,000.00 |
| St. Paul & Duluth R. R. | 4 | 1968 | 55,000.00 | 55,000.00 |
| Seaboard Air Line Ry. Equipment Trust | 3 | 1945 | 113,000.00 | 90,000.00 |
| Southern Pacific Co. Equipment Trust | 4½ | 1940-1944 | 50,000.00 | 45,784.88 |
| Southern Pacific Co. (San Francisco Terminal) | 4 | 1950 | 25,000.00 | 20,000.00 |
| Southern Pacific Co. Oregon Lines | 4½ | 1977 | 100,000.00 | 82,250.00 |
| Southern Pacific Co. | 4½ | 1981 | 100,000.00 | 75,626.25 |
| Southern Pacific R. R. | 4 | 1955 | 100,000.00 | 86,093.75 |
| Southern Ry. 1st Consolidated | 5 | 1994 | 88,000.00 | 86,822.50 |
| Southern Ry. (Memphis Division) | 5 | 1996 | 15,000.00 | 14,487.50 |
| Terminal R. R. Association of St. Louis 1st Consolidated | 5 | 1944 | 35,000.00 | 35,000.00 |
| Toledo, Canada, Southern & Detroit Ry. | 4 | 1956 | 50,000.00 | 34,250.00 |
| Toledo Terminal R. R. | 4½ | 1957 | 50,000.00 | 40,362.50 |
| Union Pacific R. R. | 4 | 1947 | 150,000.00 | 150,000.00 |
| Union Terminal Company, Dallas | 3¾ | 1967 | 75,000.00 | 75,000.00 |
| Virginian Ry. 1st & Refunding | 3¾ | 1966 | 150,000.00 | 148,601.25 |
| Wabash R. R. 1st | 5 | 1939 | 100,000.00 | 47,000.00 |
| West Shore R. R. | 4 | 2361 | 170,000.00 | 129,284.90 |
| Winston-Salem Southbound Ry. | 4 | 1960 | 142,000.00 | 116,525.00 |
| Wisconsin Central Ry. 1st General | 4 | 1949 | 50,000.00 | 5,000.00 |
| | | | $9,904,950.00 | $8,225,623.86 |

PUBLIC UTILITY BONDS

| | | | | |
|---|---|---|---|---|
| Alabama Power 1st & Refunding | 4½ | 1967 | 100,000.00 | 94,858.75 |
| Alabama Power 1st & Refunding | 5 | 1968 | 100,000.00 | 100,000.00 |
| American Telephone & Telegraph | 3¼ | 1966 | 200,000.00 | 195,750.00 |
| Appalachian Electric Power 1st & Refunding | 4 | 1963 | 150,000.00 | 148,125.00 |
| Bangor Hydro-Electric | 3¾ | 1966 | 150,000.00 | 150,000.00 |
| Bell Telephone Company of Canada | 5 | 1957 | 100,000.00 | 99,875.00 |
| Blackstone Valley Gas & Electric | 3½ | 1968 | 59,000.00 | 59,000.00 |
| Brooklyn Edison Consolidated | 3¼ | 1966 | 225,000.00 | 202,500.00 |
| Brooklyn Manhattan Transit Collateral Trust | 3¾ | 1947-1948 | 100,000.00 | 89,750.00 |
| Carolina Power & Light | 5 | 1956 | 200,000.00 | 200,000.00 |
| Central Hudson Gas & Electric | 3½ | 1965 | 250,000.00 | 250,000.00 |
| Central Illinois Light | 3½ | 1966 | 50,000.00 | 50,000.00 |
| Central Illinois Light | 4¼ | 1963 | 250,000.00 | 244,000.00 |
| Central New York Power | 3¾ | 1962 | 100,000.00 | 99,000.00 |
| Chicago Railways 1st | 5 | Extended | 18,750.00 | 5,605.00 |
| Cleveland Electric Illuminating | 3¾ | 1965 | 200,000.00 | 200,000.00 |
| Commonwealth Edison | 3½ | 1968 | 95,000.00 | 95,000.00 |
| Connecticut River Power | 3¾ | 1961 | 144,000.00 | 143,640.00 |
| Consolidated Edison of New York | 3½ | 1948 | 200,000.00 | 200,000.00 |
| Consolidated Gas, Electric Light & Power of Baltimore | 3 | 1969 | 115,000.00 | 115,000.00 |
| Consolidated Gas, Electric Light & Power of Baltimore | 3¼ | 1971 | 235,000.00 | 211,500.00 |
| Consumers Power | 3½ | 1970 | 186,000.00 | 186,000.00 |
| Consumers Power | 3¾ | 1965 | 150,000.00 | 150,000.00 |
| Delaware Power & Light | 4¼ | 1969 | 144,500.00 | 118,691.35 |
| Delaware Power & Light | 4½ | 1969 | 5,000.00 | 5,000.00 |
| Duquesne Light | 3½ | 1965 | 350,000.00 | 350,000.00 |
| Fort Pitt Traction | 5 | 1935 | 24,000.00 | 2,000.00 |
| Georgia Power | 5 | 1967 | 200,000.00 | 198,678.75 |
| Gulf States Utilities | 3½ | 1969 | 200,000.00 | 200,000.00 |
| Houston Lighting & Power | 3½ | 1966 | 100,000.00 | 100,000.00 |
| Illinois Bell Telephone | 3½ | 1970 | 200,000.00 | 198,647.00 |
| Indianapolis Power & Light | 3¾ | 1968 | 88,000.00 | 88,000.00 |
| Market Street Elevated Passenger Ry. | 4 | 1955 | 200,000.00 | 173,336.25 |
| Mississippi River Power 1st | 5 | 1951 | 82,000.00 | 81,850.00 |
| New England Telephone & Telegraph | 5 | 1952 | 100,000.00 | 100,000.00 |
| New York Edison | 3¼ | 1965 | 100,000.00 | 90,000.00 |
| New York & West Chester Lighting | 4 | 2004 | 50,000.00 | 40,125.00 |
| North American Company | 3½ | 1949 | 116,000.00 | 116,000.00 |
| Northern States Power (Minnesota) | 3½ | 1967 | 100,000.00 | 96,500.00 |
| Ohio Edison | 3¾ | 1972 | 100,000.00 | 100,000.00 |
| Ohio Power | 3¼ | 1968 | 150,000.00 | 150,000.00 |
| Pacific Gas & Electric | 4 | 1964 | 100,000.00 | 100,000.00 |
| Pennsylvania Power & Light | 3½ | 1969 | 250,000.00 | 250,000.00 |
| Pennsylvania Water & Power | 3¼ | 1964 | 159,000.00 | 159,000.00 |
| Pennsylvania Water & Power | 4½ | 1968 | 61,000.00 | 56,865.20 |
| Philadelphia Electric | 3½ | 1967 | 250,000.00 | 250,000.00 |
| Philadelphia Electric Power | 5½ | 1972 | 49,000.00 | 42,803.67 |
| Philadelphia Gas Revenue Trust Certificates | 3½ | 1940-1957 | 293,000.00 | 293,000.00 |
| Philadelphia Suburban Water | 4 | 1965 | 100,000.00 | 100,000.00 |
| Philadelphia Transportation Company 1st & Refunding | 4 | 1969 | 151,000.00 | 69,000.00 |
| Portland General Electric 1st Extended | 5 | 1950 | 94,000.00 | 93,795.00 |
| Public Service of Colorado | 3½ | 1964 | 161,000.00 | 161,000.00 |
| Public Service of Northern Illinois | 3½ | 1968 | 100,000.00 | 100,000.00 |
| Safe Harbor Water Power | 4½ | 1979 | 197,000.00 | 186,832.75 |
| San Diego Consolidated Gas & Electric | 4 | 1965 | 85,000.00 | 85,000.00 |
| Shawinigan Water & Power | 4½ | 1967-1970 | 75,000.00 | 75,000.00 |
| Southern California Edison 1st & Refunding | 3¾ | 1960 | 100,000.00 | 100,000.00 |
| Southwestern Bell Telephone | 3½ | 1964 | 105,000.00 | 97,102.50 |
| Union Electric of Missouri | 3¾ | 1962 | 200,000.00 | 200,000.00 |
| Union Passenger Ry. 2d Extended | 4 | 1960 | 20,000.00 | 12,000.00 |
| Virginia Electric & Power | 3½ | 1968 | 126,000.00 | 126,000.00 |
| West Penn Power | 3½ | 1966 | 165,000.00 | 165,000.00 |
| West Philadelphia Passenger Ry. 2d | 5½ | 1956 | 50,000.00 | 35,000.00 |
| Wisconsin Electric Power | 3½ | 1968 | 176,000.00 | 176,000.00 |
| Wisconsin Public Service | 4 | 1961 | 97,000.00 | 94,320.00 |
| | | | $8,851,250.00 | $8,526,151.22 |

INDUSTRIAL BONDS

| | | | | |
|---|---|---|---|---|
| Atlantic Refining | 3 | 1953 | $150,000.00 | $148,500.00 |
| Chicago Junction Rys. & Union Stock Yards | 5 | 1940 | 75,000.00 | 68,000.00 |
| Inland Steel | 3 | 1952 | 100,000.00 | 100,000.00 |
| Lehigh Valley Coal 1st & Refunding | 5 | 1954-1974 | 70,000.00 | 27,055.41 |
| Shell Union Oil | 2½ | 1954 | 150,000.00 | 144,312.50 |
| Socony-Vacuum Oil | 3 | 1964 | 250,000.00 | 250,000.00 |
| Standard Oil of New Jersey | 2¾ | 1953 | 114,000.00 | 104,556.90 |
| Standard Oil of New Jersey | 3 | 1961 | 120,000.00 | 120,000.00 |
| United States Steel | 3¼ | 1948 | 249,000.00 | 248,970.00 |
| | | | $1,278,000.00 | $1,211,394.81 |
| TOTAL | | | $32,197,767.00 | $29,945,937.53 |

The following table shows the growth of the Society since 1854:

| Date | Number of Accounts | Amount of Deposits | Surplus |
|---|---|---|---|
| June 1, 1855 ..... | 273 | $12,788.84 | |
| June 1, 1859 ..... | 811 | 75,023.85 | $923.24 |
| January 1, 1867 ..... | 1,273 | 133,631.84 | 3,566.52 |
| January 1, 1872 ..... | 2,196 | 361,847.87 | 23,196.73 |
| January 1, 1876 ..... | 3,543 | 581,996.50 | 44,970.08 |
| January 1, 1880 ..... | 4,547 | 875,144.55 | 52,514.96 |
| January 1, 1884 ..... | 7,190 | 1,439,825.13 | 99,722.55 |
| January 1, 1890 ..... | 11,285 | 2,361,209.14 | 206,548.53 |
| January 1, 1895 ..... | 13,052 | 2,810,673.13 | 309,696.41 |
| January 1, 1900 ..... | 16,294 | 4,233,238.96 | 354,268.28 |
| January 1, 1905 ..... | 20,966 | 6,171,098.37 | 425,000.00 |
| January 1, 1910 ..... | 24,511 | 7,803,287.60 | 625,000.00 |
| January 1, 1915 ..... | 28,748 | 10,493,595.63 | 830,000.00 |
| January 1, 1920 ..... | 32,648 | 13,826,887.62 | 1,000,000.00 |
| January 1, 1925 ..... | 35,649 | 19,378,508.30 | 1,483,451.37 |
| January 1, 1930 ..... | 38,354 | 24,830,384.57 | 2,729,630.55 |
| January 1, 1931 ..... | 39,134 | 26,512,360.06 | 2,920,762.84 |
| January 1, 1932 ..... | 41,605 | 26,727,657.47 | 3,220,857.60 |
| January 1, 1933 ..... | 43,028 | 26,960,883.08 | 3,370,857.60 |
| January 1, 1934 ..... | 44,047 | 26,861,169.60 | 3,457,879.55 |
| January 1, 1935 ..... | 45,414 | 28,340,528.05 | 3,567,366.39 |
| January 1, 1936 ..... | 46,273 | 30,364,536.99 | 3,819,758.30 |
| January 1, 1937 ..... | 46,462 | 32,859,685.35 | 4,204,672.14 |
| January 1, 1938 ..... | 47,023 | 34,517,458.45 | 4,367,127.55 |
| January 1, 1939 ..... | 47,670 | 36,194,525.12 | 4,518,249.66 |
| January 1, 1940 ..... | 48,788 | 38,207,013.31 | 4,713,842.41 |

Total Interest Paid Depositors Since Organization $24,052,768.21

Accounts may be opened and business transacted by mail Interest is paid on all balances of $5.00 and over.

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## SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY

Incorporated 1854

5458 Germantown Avenue

Philadelphia

February 27th, 1940

Speaker of the House of Representatives,
Harrisburg,
Penna.

Honorable Sir:

In conformity with Article XVI of our Charter, we are forwarding to you the following Classifications of Accounts on our Books as of December 31st, 1939.

Total number of accounts open December 31st, 1939, 48,788, classified as follows:

| | | |
|---|---|---|
| 17,190 | accounts with deposits below | $10.00 |
| 2,607 | accounts with deposits from | 10-$20 |
| 3,519 | accounts with deposits from | 20- 50 |
| 3,121 | accounts with deposits from | 50-100 |
| 3,622 | accounts with deposits from | 100-200 |
| 2,221 | accounts with deposits from | 200-300 |
| 2,750 | accounts with deposits from | 300-500 |
| 13,758 | accounts with deposits from | 500 and upwards |

Respectfully yours

W. N. PRICE
Vice-President
H. H. HEWETT
Treasurer

ELP

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## THE PHILADELPHIA SAVING FUND SOCIETY

ONE HUNDRED TWENTY-THIRD ANNUAL STATEMENT

January 1, 1940

The Oldest Saving Fund Society in the United States

Established December 2, 1816

Incorporated February 25, 1819

President
STACY B. LLOYD

Vice-President
ISAAC W. ROBERTS

Vice-President
J. HAMILTON CHESTON

Vice-President
DONALDSON CRESSWELL

Secretary
DAVID N. PATTERSON

Treasurer
WILLIAM G. BOWLER

Assistant Treasurer & Comptroller
SAMUEL J. MURRAY

Assistant Treasurers
GEORGE H. BEATTY
ROBERT H. BREEDING
FRANKLIN C. GERENBECK
TREVOR F. FAULK
GEORGE GERENBECK
CHARLES F. WHEELER

Assistant Secretary & Manager of Mortgage Dept.
ROBERT A. MURRAY

Assistant Secretary & Assistant Treasurer
FERDINAND L. VOGEL

Solicitor
CHARLES J. BIDDLE

Finance Committee

STACY B. LLOYD, Chairman
THOMAS S. GATES
JOHN HAMPTON BARNES
CHARLES J. RHOADS
JAMES D. WINDSOR, JR.
JOSEPH WAYNE, JR.
EDWARD HOPKINSON, JR.

MANAGERS

J. Rodman Paul
Thomas S. Gates
John Hampton Barnes
Edward F. Beale
Benjamin Rush
Charles J. Rhoads
Stacy B. Lloyd
Isaac W. Roberts
Charlton Yarnall
James D. Winsor, Jr.
Parker S. Williams
Henry S. Drinker, Jr.
Thomas Robins
Joseph Wayne, Jr.
Nathan Hayward
Edward Hopkinson, Jr.
R. Sturgis Ingersoll
David E. Williams, Jr.
Effingham B. Morris, Jr.
Martin W. Clement
Marshall S. Morgan
Philip C. Staples
J. Hamilton Cheston
Geoffrey S. Smith
Floyd T. Starr

CONDENSED STATEMENT

January 1, 1940

Assets

| | | |
|---|---|---|
| Cash on Hand and in Banks ..... | | $30,208,148.64 |
| United States Government Bonds ..... | $121,337,221.96 | |
| Dominion of Canada Bonds | 9,331,188.05 | |
| State, County & Municipal Bonds ..... | 38,652,673.47 | |
| Railroad Bonds ..... | 57,418,861.82 | |
| Railroad Equipment Trust Certificates ..... | 5,846,331.08 | |
| Public Utility Bonds ..... | 35,543,347.81 | |
| Industrial Bonds ..... | 8,341,546.25 | |
| Real Estate Bonds ..... | 293,250.00 | 276,764,420.44 |

| | |
|---|---|
| First Mortgages on Real Estate | 43,320,647.90 |
| Ground Rents | 7,500.00 |
| Main Office, five Branches, 12th & Market Streets Office Building and Real Estate for Society's use | 7,181,800.40 |
| Other Real Estate acquired and held for sale | 18,641,439.18 |
| Other Assets | 1,046,104.35 |
| | $377,170,060.91 |

Liabilities

| | |
|---|---|
| Due to 549,359 Depositors | $354,046,024.72 |
| Surplus and Contingent Fund | 23,014,276.97 |
| Reserve for Federal & State Taxes | 95,000.00 |
| Other Liabilities | 14,759.22 |
| | $377,170,060.91 |

The Society also holds for safekeeping for 8,176 depositors, United States Bonds amounting to $997,150

## REPORT OF THE AUDITORS

The subscribers, duly appointed by the President Judges of the Courts of Common Pleas of Philadelphia County, to audit and settle the Accounts of The Philadelphia Saving Fund Society, under the provisions of the Third Section of the Supplement to the "Act" incorporating the said Society, approved March 15, 1824, having been duly qualified, respectfully report:

That, in the performance of the duties assigned them, they have audited and settled the Books and Accounts of The Philadelphia Saving Fund Society for the year ending the thirty-first day of December, 1939, and have examined and ascertained the amount of the Bonds and Mortgages, Real Estate, Public Loans, Railroad Loans, and the other evidences of the property and effects of the said Society, and agreeably thereto have made out the subjoined statement, which agrees with the books at that date, and exhibits the situation and condition of the said The Philadelphia Saving Fund Society on the first day of January, 1940.

FRANCIS BIDDLE,
EMILE C. GEYELIN,
T. TRUXTUN HARE,
Auditors.

### AUDITORS' STATEMENT

ASSETS

| Public Loans | Due | Per Cent | Par Value | As Charged |
|---|---|---|---|---|
| **UNITED STATES BONDS** | | | | |
| Treasury Notes | 1940 | 1½ | $ 5,200,000.00 | $ 5,197,000.02 |
| Treasury Notes | 1941 | 1⅜ | 1,700,000.00 | 1,699,406.25 |
| Treasury Notes | 1942 | 1¾ | 2,300,000.00 | 2,300,000.00 |
| Treasury Notes | 1944 | 1 | 510,000.00 | 510,000.00 |
| Treasury Bonds | 1941-1946 | 3¼ | 8,630,000.00 | 8,630,000.00 |
| Treasury Bonds | 1945-1953 | 2½ | 12,910,000.00 | 12,899,681.27 |
| Treasury Bonds | 1947 | 3⅜ | 250,000.00 | 250,000.00 |
| Treasury Bonds | 1947-1965 | 2¾ | 34,500,000.00 | 34,500,000.00 |
| Treasury Bonds | 1948-1955 | 3 | 12,000,000.00 | 12,000,000.00 |
| Treasury Bonds | 1949-1952 | 3⅛ | 4,950,000.00 | 4,950,000.00 |
| Treasury Bonds | 1952 | 4¼ | 8,600,000.00 | 8,581,962.53 |
| Treasury Bonds | 1953 | 2¼ | 5,172,000.00 | 5,172,000.00 |
| Treasury Bonds | 1960 | 2⅞ | 5,000,000.00 | 5,000,000.00 |
| Federal Farm Mortgage | 1947 | 2¾ | 4,000,000.00 | 4,000,000.00 |
| Federal Farm Mortgage | 1947-1949 | 3 | 6,500,000.00 | 6,482,093.76 |
| Federal Farm Mortgage | 1964 | 3¼ | 900,000.00 | 900,000.00 |
| Home Owners' Loan | 1944 | 2¼ | 1,025,000.00 | 1,025,000.00 |
| Home Owners' Loan | 1947 | 1½ | 3,991,875.00 | 3,991,875.00 |
| Home Owners' Loan | 1952 | 3 | 3,250,000.00 | 3,248,203.13 |
| Dominion of Canada | 1944 | 2¼ | 1,016,000.00 | 1,010,920.00 |
| Dominion of Canada | 1961 | 3¼ | 4,000,000.00 | 3,978,503.05 |
| Dominion of Canada | 1967-1968 | 3 | 4,484,000.00 | 4,341,765.00 |
| **STATE BONDS** | | | | |
| New Jersey, State | 1940-1941 | 3¼ | 225,000.00 | 222,537.36 |
| Pennsylvania—Tax Anticipation Notes, State | 1941 | 1½ | 1,000,000.00 | 1,000,000.00 |
| **COUNTY BONDS** | | | | |
| Allegany County, Md. | 1947-1952 | 4¼ | 183,000.00 | 183,000.00 |
| Allegheny County, Pa. | 1940-1947 | 4¼ | 493,000.00 | 493,000.00 |
| Baltimore County, Md. | 1953-1966 | 4½ | 271,000.00 | 271,000.00 |
| Bergen County, N. J. | 1940-1955 | 4½ | 494,000.00 | 494,000.00 |
| Buncombe County, N. C. | 1976 | 1¼-4 | 100,000.00 | 23,000.00 |
| Cambria County, Pa. | 1940-1945 | 4¼ | 125,000.00 | 125,000.00 |
| Cook County, Ill. | 1956 | 4 | 671,000.00 | 653,198.37 |
| Dallas County, Rd. Dist. No. 1, Texas | 1950-1953 | 4½ | 200,000.00 | 200,000.00 |
| Davidson County, N. C. | 1949-1960 | 3¼ | 128,000.00 | 128,000.00 |
| Essex County, N. J. | 1952-1955 | 3¼ | 246,000.00 | 246,000.00 |
| Forsyth County, N. C. | 1940-1956 | 4½ | 125,000.00 | 125,000.00 |
| Greenville County, S. C. | 1942-1943 | 4½ | 100,000.00 | 100,000.00 |
| Guilford County, N. C. | 1940-1943 | 4¼ | 186,000.00 | 186,000.00 |
| Guilford County, N. C. | 1940-1950 | 4½ | 204,000.00 | 204,000.00 |
| Guilford County, N. C. | 1958-1962 | 3¼ | 53,000.00 | 52,591.06 |
| Hamilton County, Ohio | 1940-1946 | 5 | 63,000.00 | 63,000.00 |
| Harris County, Houston Ship Channel Nav. Dist., Texas | 1945-1958 | 4½ | 400,000.00 | 400,000.00 |
| Harris County, Texas | 1949-1951 | 4½ | 50,000.00 | 50,000.00 |
| Lehigh County, Pa. | 1941 | 4¼ | 165,000.00 | 165,000.00 |
| Lorain County, Ohio | 1940-1947 | 4½ | 135,000.00 | 135,000.00 |
| Lucas County, Ohio | 1945-1954 | 4½ | 390,000.00 | 390,000.00 |
| Mahoning County, Ohio | 1940-1941 | 4½ | 38,000.00 | 38,000.00 |
| Mahoning County, Ohio | 1940-1943 | 4¾ | 47,000.00 | 47,000.00 |
| Middlesex County, N. J. | 1940-1943 | 4¼ | 112,000.00 | 112,000.00 |
| Monmouth County, N. J. | 1940-1941 | 4½ | 70,000.00 | 70,000.00 |
| Montgomery County, Md. | 1941-1962 | 4½ | 726,000.00 | 726,000.00 |
| Multnomah County, Ore. | 1940-1954 | 4½ | 209,000.00 | 209,000.00 |
| Multnomah County, Ore. | 1945-1951 | 4¾ | 153,000.00 | 153,000.00 |
| Passaic County, N. J. | 1941-1949 | 4¼ | 403,000.00 | 403,000.00 |
| Shelby County, Tenn. | 1940-1941 | 4¾ | 70,000.00 | 70,000.00 |
| Shelby County, Tenn. | 1949 | 4½ | 300,000.00 | 300,000.00 |
| Somerset County, N. J. | 1940-1950 | 4½ | 130,000.00 | 130,000.00 |
| Spartanburg County, S. C. | 1941-1947 | 4½ | 107,000.00 | 107,000.00 |
| Spartanburg County S. C. | 1953-1957 | 3½ | 100,000.00 | 100,000.00 |
| Tarrant County, Water Control and Imp. Dist. No. 1, Texas | 1940-1971 | 4½ | 441,000.00 | 439,685.00 |
| Trumbull County, Ohio | 1940-1943 | 4¾ | 36,000.00 | 36,000.00 |
| Tulsa County, Okla. | 1943-1948 | 4¾ | 138,000.00 | 138,000.00 |
| Union County, N. J. | 1940-1947 | 4¼ | 40,000.00 | 39,584.23 |
| Union County, N. J. | 1940-1960 | 4½ | 500,000.00 | 500,000.00 |
| Venango County, Pa. | 1942-1949 | 4¼ | 160,000.00 | 160,000.00 |
| Wayne County, Mich. | 1940-1941 | 4¾ | 100,000.00 | 100,000.00 |
| **MUNICIPAL BONDS** | | | | |
| Abington Township, Pa. | 1943-1948 | 4½ | 37,000.00 | 37,000.00 |
| Abington Township School Dist., Pa. | 1943-1958 | 4½ | 50,000.00 | 50,000.00 |
| Amarillo City, Texas | 1947-1951 | 3½ | 125,000.00 | 125,000.00 |
| Baltimore City, Md. | 1943 | 5 | 300,000.00 | 300,000.00 |
| Chicago, Sanitary District, Ill. | 1955 | 4¼ | 1,169,000.00 | 1,166,500.00 |
| Chicago, Sanitary District, Ill. | 1955 | 4½ | 510,000.00 | 509,300.00 |
| Detroit City, Mich. | 1943-1963 | 4½ | 535,000.00 | 535,000.00 |
| Detroit City, Mich. | 1956 | 4 | 600,000.00 | 584,947.08 |
| Detroit City, Mich. | 1962 | 3¼ | 35,004.83 | 31,504.35 |
| East Providence Town, R. I. | 1940-1948 | 4¼ | 90,000.00 | 89,533.13 |
| Elizabeth City, N. J. | 1940-1954 | 4¼ | 28,000.00 | 28,000.00 |
| Elizabeth City, N. J. | 1942-1962 | 4½ | 175,000.00 | 175,000.00 |
| Erie City, Pa. | 1940-1960 | 4½ | 420,000.00 | 420,000.00 |
| Fort Worth City, Texas | 1941-1954 | 4½ | 197,000.00 | 197,000.00 |
| Fort Worth City, Texas | 1954-1966 | 3½ | 264,000.00 | 264,000.00 |
| Fort Worth City, Texas | 1955-1960 | 3¼ | 33,000.00 | 33,000.00 |
| Galveston City, Texas | 1950-1953 | 3½ | 98,000.00 | 98,000.00 |
| Galveston City, Texas | 1954-1958 | 2¾ | 145,000.00 | 139,134.19 |
| Greenville City, School Dist., S. C. | 1948-1955 | 3¾ | 101,000.00 | 101,000.00 |
| Harrisburg City, Pa. | 1940-1946 | 4¼ | 70,000.00 | 70,000.00 |
| Houston City, Ind. Sch. Dist., Texas | 1950-1966 | 3 | 338,000.00 | 332,377.33 |
| Huntington City, W. Va. | 1954 | 4½ | 41,000.00 | 41,000.00 |
| Irvington Town, N. J. | 1942-1947 | 4¾ | 200,000.00 | 200,000.00 |
| Irvington Town, N. J. | 1942-1949 | 4½ | 120,000.00 | 120,000.00 |
| Jacksonville City, Fla. | 1951-1956 | 3 | 675,000.00 | 673,750.00 |
| Kearny Town, N. J. | 1943-1955 | 4½ | 400,000.00 | 400,000.00 |
| Los Angeles City, Cal. | 1946-1948 | 4½ | 120,000.00 | 120,000.00 |
| Memphis City, Tenn. | 1944-1951 | 4½ | 110,000.00 | 110,000.00 |
| Memphis City, Tenn. | 1945-1953 | 4¾ | 58,000.00 | 58,000.00 |
| Memphis City, Tenn. | 1953-1957 | 3 | 150,000.00 | 150,000.00 |
| Memphis City, Tenn. | 1956-1965 | 3¼ | 126,000.00 | 126,000.00 |
| Memphis City, Tenn. | 1959-1963 | 2.90 | 45,000.00 | 45,000.00 |
| Memphis City, School Dist., Tenn. | 1940-1956 | 4½ | 222,000.00 | 222,000.00 |
| Memphis City, School Dist., Tenn. | 1945-1954 | 4¾ | 42,000.00 | 42,000.00 |
| Minneapolis City, Minn. | 1957-1963 | 2.90 | 27,000.00 | 27,000.00 |
| Minneapolis City, Minn. | 1961-1968 | 2.80 | 104,000.00 | 103,998.96 |
| Montclair Town, N. J. | 1940-1951 | 4½ | 178,000.00 | 178,000.00 |
| Morristown Town, N. J. | 1940-1951 | 4½ | 240,000.00 | 240,000.00 |
| Nashville City, Tenn. | 1940-1948 | 5 | 110,000.00 | 110,000.00 |
| Nashville City, Tenn. | 1940-1953 | 4½ | 172,000.00 | 172,000.00 |
| New Brunswick City, N. J. | 1940-1968 | 4¼ | 95,000.00 | 95,000.00 |
| New York City, N. Y. | 1940-1941 | 3¾ | 200,000.00 | 200,000.00 |
| New York City, N. Y. | 1940-1958 | 4¼ | 1,200,000.00 | 1,200,000.00 |
| New York City, N. Y. | 1945-1959 | 4½ | 3,500,000.00 | 3,500,000.00 |
| New York City, N. Y. | 1950-1956 | 3¼ | 700,000.00 | 700,000.00 |

| Public Loans | Due | Per Cent | Par Value | As Charged |
|---|---|---|---|---|
| New York City, N. Y. | 1951-1976 | 3½ | 3,350,000.00 | 3,350,000.00 |
| New York City, N. Y. | 1954-1955 | 3 | 550,000.00 | 549,986.78 |
| Northampton Borough School Dist., Pa. .. | 1941-1956 | 4½ | 135,000.00 | 135,000.00 |
| Oklahoma City, Okla. | 1940-1941 | 4½ | 100,000.00 | 100,000.00 |
| Pawtucket City, R. I. | 1942-1951 | 4¼ | 100,000.00 | 100,000.00 |
| Philadelphia City, Pa. | 1943 | 4 | 100,000.00 | 97,000.00 |
| Philadelphia City, Pa. | 1948-1979 | 4½ | 4,336,000.00 | 4,336,000.00 |
| Philadelphia City, Pa. | 1951-1953 | 2½ | 500,000.00 | 495,190.00 |
| Philadelphia City, Pa. | 1974-1980 | 4¼ | 2,480,000.00 | 2,479,687.50 |
| Philadelphia City School Dist., Pa. ... | 1940-1947 | 4¼ | 921,000.00 | 921,000.00 |
| Philadelphia City School Dist., Pa. ... | 1943-1944 | 4½ | 60,000.00 | 60,000.00 |
| Pittsburgh City School Dist. ..... | 1940 | 4½ | 25,000.00 | 25,000.00 |
| Ridgefield Park Township Sch., Dist. N. J. | 1940-1941 | 4½ | 26,000.00 | 26,000.00 |
| San Antonio City, Texas | 1953-1956 | 3¼ | 64,000.00 | 64,000.00 |
| San Antonio City Ind. Sch. Dist., Texas .... | 1940-1955 | 4¼ | 243,000.00 | 243,000.00 |
| Sandusky City, Ohio .. | 1940-1947 | 4½ | 24,000.00 | 24,000.00 |
| Trenton City, N. J. .. | 1941-1953 | 4½ | 558,000.00 | 558,000.00 |
| Union City, N. J. ..... | 1940-1943 | 4¾ | 185,000.00 | 185,000.00 |
| Union City, N. J. ..... | 1940-1954 | 4½ | 170,000.00 | 170,000.00 |
| West Orange Town, N. J. ..... | 1950-1958 | 4½ | 110,000.00 | 110,000.00 |
| Wilkinsburg Borough School Dist., Pa. ..... | 1940 | 4¼ | 1,000.00 | 1,000.00 |
| Winston - Salem City, N. C. ..... | 1940-1961 | 4½ | 391,000.00 | 391,000.00 |
| Winston - Salem City, N. C. ..... | 1956-1960 | 3 | 96,000.00 | 96,336.50 |
| Winston - Salem City, N. C. ..... | 1959-1961 | 4¾ | 50,000.00 | 50,000.00 |
| Winston - Salem City, N. C. ..... | 1962-1963 | 4¾ | 51,000.00 | 50,617.50 |
| Woonsocket City, R. I. | 1940-1964 | 4¼ | 128,000.00 | 127,214.13 |
| | | | $169,686,879.83 | $169,321,083.48 |

RAILROAD LOANS

| | | | | |
|---|---|---|---|---|
| Allegheny Valley (Penna.) ..... | 1942 | 4 | 2,004,000.00 | 2,004,000.00 |
| Atchison, Topeka & Santa Fe ..... | 1995 | 4 | 685,000.00 | 614,325.00 |
| Baltimore & Ohio ..... | 1948 | 4 | 1,102,000.00 | 754,870.00 |
| Baltimore & Ohio ..... | 1948 | 5 | 1,400,000.00 | 959,000.00 |
| Beech Creek (New York Central) ..... | 1951 | 3½ | 225,000.00 | 209,250.00 |
| Canadian Pacific Equipment Trust ..... | 1940-1945 | 4½ | 1,355,000.00 | 1,355,000.00 |
| Canadian Pacific Equipment Trust ..... | 1944 | 5 | 229,000.00 | 229,000.00 |
| Catawissa (Reading) .. | 1948 | 4 | 765,000.00 | 758,400.00 |
| Central of Georgia (Macon & Norther Div.) ..... | 1946 | 5 | 126,000.00 | 7,560.00 |
| Central of Georgia (Mobile Div.) ..... | 1946 | 5 | 150,000.00 | 8,812.50 |
| Central Pacific (Southern Pacific) ..... | 1949 | 4 | 3,496,000.00 | 2,796,800.00 |
| Central Pacific Through Short Line (So. Pac.) | 1954 | 4 | 724,000.00 | 550,240.00 |
| Chesapeake & Ohio (Rich. & All'y Div 2d) | 1989 | 4 | 155,000.00 | 143,693.05 |
| Chesapeake & Ohio .. | 1996 | 3½ | 3,000,000.00 | 2,985,000.00 |
| Chesapeake & Ohio Equipment Trust ... | 1942-1944 | 4½ | 250,000.00 | 249,228.16 |
| Chesapeake & Ohio Equipment Trust ... | 1944 | 2¼ | 209,000.00 | 208,477.50 |
| Chicago, Burlington & Quincy (Ill. Div.) .. | 1949 | 3½ | 550,000.00 | 547,695.00 |
| Chicago, Mil. & St. Paul (C. M. St. P. & P.) .. | 1989 | 4 | 1,250,000.00 | 287,500.00 |
| Chicago, Mil. & St. Paul (C. M. St. P. & P.) .. | 1989 | 4½ | 600,000.00 | 132,750.00 |
| Chicago, Rock Island & Pacific ..... | 1988 | 4 | 1,896,000.00 | 241,740.00 |
| Chicago Union Station Co., Series E ..... | 1963 | 3¾ | 198,000.00 | 198,000.00 |
| Cincinnati Union Term. Co., Series D ..... | 1971 | 3½ | 658,000.00 | 658,000.00 |
| Cleveland & Pittsburgh, Series A (Penna.) ... | 1942 | 4½ | 670,000.00 | 670,000.00 |
| Cleveland & Pittsburgh, Series B (Penna.) ... | 1942 | 4½ | 235,000.00 | 235,000.00 |
| Cleveland & Pittsburgh, Series A (Penna.) ... | 1977 | 4½ | 2,104,000.00 | 2,103,862.50 |
| Cleveland Union Terminals Co., Series C | 1977 | 4½ | 414,000.00 | 348,795.00 |
| Columbus & Toledo (Chesapeake & Ohio) | 1955 | 4 | 679,000.00 | 679,000.00 |
| Connecting (Penna.) .. | 1951 | 4 | 2,597,000.00 | 2,503,508.00 |
| Detroit River Tunnel (Detroit Terminal & Tunnel) (Michigan Central) ..... | 1961 | 4½ | 1,000,000.00 | 999,313.75 |
| East Tenn., Va. & Georgia (Southern).. | 1956 | 5 | 491,000.00 | 459,465.59 |
| Erie Equipment Trust | 1940-1944 | 4½ | 183,000.00 | 181,559.75 |
| Indianapolis Union, Series B ..... | 1986 | 3½ | 855,000.00 | 854,880.00 |
| Kansas City Terminal | 1960 | 4 | 2,000,000.00 | 1,925,921.25 |
| Kentucky Central (Louisville & Nashville) ..... | 1987 | 4 | 775,000.00 | 713,386.95 |
| Lake Shore & Michigan Southern (New York Central) ..... | 1997 | 3½ | 178,000.00 | 164,051.25 |
| Lehigh Coal & Navigation ..... | 1948 | 4 | 495,000.00 | 470,250.00 |
| Lehigh Coal & Navigation, Series C ..... | 1954 | 4½ | 205,000.00 | 97,375.00 |
| Lehigh Valley ..... | 1948 | 4 | 1,361,000.00 | 993,530.00 |
| Lehigh Valley of New York (Lehigh Valley) | 1950 | 4½ | 1,220,000.00 | 634,400.00 |
| Michigan Central (New York Central) ..... | 1952 | 3½ | 850,000.00 | 838,312.50 |
| Nashville, Chatt. & St. Louis (A. C. L.) .... | 1978 | 4 | 331,000.00 | 231,700.00 |
| New York Central Equipment Trust ... | 1941-1945 | 4½ | 210,000.00 | 209,407.64 |
| New York Central & Hud. Riv. (N.Y.C.) | 1997 | 3½ | 200,000.00 | 175,468.75 |
| New York, Chicago & St. Louis Equip. Trust | 1946-1949 | 3 | 301,000.00 | 301,000.00 |
| New York Connecting, Series A ..... | 1953 | 4½ | 1,240,000.00 | 1,234,530.00 |
| New York Connecting, Series B ..... | 1953 | 5 | 261,000.00 | 261,000.00 |
| New York & Erie ..... | 1938 | 4½ | 3,844,000.00 | 3,639,696.81 |
| New York & Erie ..... | 1947 | 4 | 1,194,000.00 | 1,134,300.00 |
| New York, Pennsylvania & Ohio (Erie) ..... | 1950 | 4¼ | 234,000.00 | 218,205.00 |
| New York Short Line (Reading) ..... | 1957 | 4 | 112,000.00 | 108,707.50 |
| North Pennsylvania (Reading) ..... | 1953 | 3.30 | 2,155,000.00 | 1,835,450.00 |
| Northern Central (Penna.) ..... | 1974 | 4½ | 528,000.00 | 522,285.00 |
| Northern Pacific ..... | 1997 | 4 | 3,178,000.00 | 2,348,020.00 |
| Ohio Connecting (Penna.) ..... | 1943 | 4 | 884,000.00 | 884,000.00 |
| Pennsylvania ..... | 1948 | 4 | 3,289,000.00 | 3,119,287.60 |
| Pennsylvania ..... | 1960 | 4½ | 3,630,000.00 | 3,630,000.00 |
| Pennsylvania Company (Penna. R. R.) ..... | 1963 | 4 | 536,000.00 | 535,570.00 |
| Pennsylvania Company Guar. Trust Certificates (Penna. R. R.) | 1952 | 4 | 50,000.00 | 50,000.00 |
| Pennsylvania Equipment Trust ..... | 1940-1941 | 4½ | 89,000.00 | 88,096.00 |
| Pennsylvania Equipment Trust ..... | 1945-1953 | 2¾ | 2,443,000.00 | 2,400,790.03 |
| Pa. & N. Y. Canal & R. R. (Lehigh Val.).. | 1949 | 4 | 73,000.00 | 45,260.00 |
| Pa. & N. Y. Canal & R. R. (Lehigh Val.).. | 1949 | 4½ | 119,000.00 | 76,755.00 |
| Pa. & N. Y. Canal & R. R. (Lehigh Val.).. | 1949 | 5 | 98,000.00 | 65,660.00 |
| Pa., Ohio & Detroit, Series A (Penna.) ... | 1977 | 4½ | 600,000.00 | 571,726.25 |
| Philadelphia & Reading (Reading) ..... | 1943 | 4¼ | 563,000.00 | 563,000.00 |
| Philadelphia & Reading (Reading) ..... | 1947 | 4 | 2,601,000.00 | 2,601,000.00 |
| Pittsburgh, Virginia & Charleston (Penna.) | 1943 | 4 | 1,645,000.00 | 1,645,000.00 |
| Reading Company, Series A ..... | 1997 | 4½ | 1,189,000.00 | 844,190.00 |
| Reading Company Equipment Trust ... | 1941-1945 | 4½ | 575,000.00 | 574,687.50 |
| St. Paul & Duluth (Northern Pacific) .. | 1968 | 4 | 43,000.00 | 41,126.32 |
| St. Paul, Minneapolis & Manitoba (Pac. Ext.) (Great Northern) £50,000 Stg. ..... | 1940 | 4 | 242,420.00 | 242,420.00 |
| Scioto Valley & New Eng. (Norfolk & West.) ..... | 1989 | 4 | 360,000.00 | 342,260.00 |
| Southern Equipment Trust ..... | 1940-1941 | 4½ | 50,000.00 | 49,084.50 |
| Toledo & Ohio Central (New York Central) | 1960 | 3¾ | 170,000.00 | 161,975.00 |
| Union Pacific ..... | 1970 | 3½ | 274,000.00 | 273,362.50 |
| Union Pacific ..... | 1971 | 3½ | 226,000.00 | 225,458.75 |
| United New Jersey R.R. & Canal (Penna.) | 1944 | 4 | 817,000.00 | 817,000.00 |
| United New Jersey R.R. & Canal (Penna.) | 1951 | 3½ | 55,000.00 | 55,000.00 |
| West Shore (New York Central) ..... | 2361 | 4 | 713,000.00 | 370,760.00 |
| | | | $72,456,420.00 | $63,265,192.90 |

PUBLIC UTILITY AND MISCELLANEOUS LOANS

| | | | | |
|---|---|---|---|---|
| Alabama Power Co. (Commonwealth & Southern) ..... | 1967 | 4½ | $250,000.00 | $244,375.00 |
| Allentown - Bethlehem Gas. Co. (U. G. I.) .. | 1965 | 3¾ | 241,000.00 | 241,000.00 |
| American Telephone & Telegraph Co. ..... | 1961 | 3¼ | 1,320,000.00 | 1,317,406.25 |

| Public Loans | Due | Per Cent | Par Value | As Charged |
|---|---|---|---|---|
| Atlantic City Elec. Co. (Amer. Gas & Elec.) | 1964 | 3¼ | 861,000.00 | 855,287.50 |
| Atlantic Refining Co... | 1953 | 3 | 700,000.00 | 693,025.00 |
| Boston Edison Company | 1965 | 3½ | 1,250,000.00 | 1,250,000.00 |
| Brooklyn Edison Company, Inc. (Cons. Ed. of New York) | 1966 | 3¼ | 900,000.00 | 900,000.00 |
| Central Hudson Gas & Electric Corporation | 1965 | 3½ | 1,000,000.00 | 1,000,000.00 |
| Central Ill. Light Company (Commonwealth & Southern) | 1966 | 3½ | 350,000.00 | 350,000.00 |
| Central Ill. Public Service Co. (Middle West Corp.) | 1968 | 3¾ | 50,000.00 | 50,000.00 |
| Central Power & Light Co. (Middle West Corp.) | 1969 | 3¾ | 260,000.00 | 260,000.00 |
| Cincinnati Gas & Electric Co. (Col. G. & E.) | 1966 | 3¼ | 882,000.00 | 882,000.00 |
| Cincinnati Gas & Electric Co. (Col. G. & E.) | 1967 | 3½ | 199,000.00 | 199,000.00 |
| Cleveland Electric Illuminating Co. (North American) | 1965 | 3¾ | 217,000.00 | 217,000.00 |
| Commonwealth Edison Company | 1968 | 3½ | 463,000.00 | 463,000.00 |
| Connecticut Light & Power Co. (U. G. I.) | 1966 | 3¼ | 385,000.00 | 385,000.00 |
| Consolidated Gas, Electric Light & Power Co. of Baltimore | 1965 | 3½ | 685,000.00 | 685,000.00 |
| Consolidated Gas, Electric Light & Power Co. of Baltimore | 1969 | 3 | 198,000.00 | 198,000.00 |
| Consolidated Gas, Electric Light & Power Co. of Baltimore | 1971 | 3¼ | 910,000.00 | 910,000.00 |
| Consumers Power Company (Commonwealth & Southern) | 1965 | 3½ | 500,000.00 | 495,000.00 |
| Consumers Power Company (Commonwealth & Southern) | 1965 | 3¾ | 500,000.00 | 500,000.00 |
| Consumers Power Company (Commonwealth & Southern) | 1966 | 3¼ | 425,000.00 | 425,000.00 |
| Consumers Power Company (Commonwealth & Southern) | 1970 | 3½ | 1,000,000.00 | 1,000,000.00 |
| Continental Pass. Ry. Company (P. T. Co.) | 1959 | 4 | 280,000.00 | 168,000.00 |
| Dayton Power & Light Co. (Col. Gas & Elec.) | 1960 | 3½ | 166,000.00 | 165,170.00 |
| Detroit Edison Company | 1961 | 4½ | 175,000.00 | 173,281.25 |
| Detroit Edison Company | 1966 | 3½ | 270,000.00 | 270,000.00 |
| Diamond State Telephone Co. (Amer. Tel. & Tel.) | 1968 | 3 | 750,000.00 | 738,750.00 |
| Duquesne Light Co. (Standard Gas & Elec.) | 1965 | 3½ | 1,750,000.00 | 1,750,000.00 |
| Erie County Electric Company (U. G. I.) | 1950 | 3½ | 308,000.00 | 308,000.00 |
| Georgia Power Co. (Commonwealth & Southern) | 1967 | 5 | 100,000.00 | 100,000.00 |
| Hallowell, J. Wallace, S. E. Cor. Walnut & Watts Sts., Phila. | 1941 | 3¼ | 293,250.00 | 293,250.00 |
| Houston Lighting & Power Company (Nat'l Power & Light) | 1966 | 3½ | 500,000.00 | 500,000.00 |
| Illinois Bell Tel. Co. (Amer. Tel. & Tel.) | 1970 | 3½ | 600,000.00 | 600,000.00 |
| Inland Steel Company | 1952 | 3 | 597,000.00 | 597,000.00 |
| Inland Steel Company | 1961 | 3¾ | 135,000.00 | 135,000.00 |
| Kansas City Power & Light Co. (United Light & Power) | 1966 | 3¾ | 1,000,000.00 | 1,000,000.00 |
| Louisville Gas & Electric Co. (Standard Gas & Electric) | 1966 | 3½ | 300,000.00 | 300,000.00 |
| Mountain States Telephone & Telegraph Co. (Amer. Tel. & Tel.) | 1968 | 3¼ | 500,000.00 | 500,000.00 |
| National Steel Corp. | 1965 | 3 | 500,000.00 | 497,020.00 |
| New England Telephone & Telegraph Co. (Amer. Tel. & Tel.) | 1961 | 4½ | 239,000.00 | 238,792.81 |
| New York & Queens Electric Light & Power Company (Cons. Ed. Co. of N. Y.) | 1965 | 3½ | 505,000.00 | 505,000.00 |
| New York Edison Company, Inc. (Cons. Ed. Co. of N. Y.) | 1965 | 3¼ | 750,000.00 | 750,000.00 |
| New York Edison Company, Inc. (Cons. Ed. Co. of N. Y.) | 1966 | 3¼ | 800,000.00 | 800,000.00 |
| North American Company | 1954 | 3¾ | 800,000.00 | 800,000.00 |
| Ohio Edison Company (Commonwealth & Southern) | 1972 | 3¾ | 200,000.00 | 200,000.00 |
| Ohio Power Company (Amer. Gas & Elec.) | 1968 | 3¼ | 500,000.00 | 500,000.00 |
| Oklahoma Gas & Electric Company (Standard Gas & Electric) | 1966 | 3¾ | 450,000.00 | 450,000.00 |
| Pacific Gas & Electric Company | 1966 | 3½ | 800,000.00 | 800,000.00 |
| Pacific Telephone & Telegraph Company (Amer. Tel. & Tel.) | 1966 | 3¼ | 1,535,000.00 | 1,535,000.00 |
| Pennsylvania Power & Light Co. (Nat'l Power & Light) | 1969 | 3½ | 460,000.00 | 460,000.00 |
| Philadelphia Company (Standard Gas & Elec.) | 1967 | 5 | 200,000.00 | 200,000.00 |
| Philadelphia Electric Company (U. G. I.) | 1967 | 3½ | 2,387,000.00 | 2,384,722.50 |
| Philadelphia Gas Revenue Trust Certificates | 1940-1957 | 3½ | 957,000.00 | 957,000.00 |
| Public Service Electric & Gas Co. (Public Service Corp. of N. J.) | 1966 | 3¼ | 2,000,000.00 | 2,000,000.00 |
| Shell Union Oil Corporation | 1954 | 2½ | 1,000,000.00 | 967,725.00 |
| Socony Vacuum Oil Company, Inc. | 1964 | 3 | 500,000.00 | 500,000.00 |
| Southern Bell Telephone & Telegraph Co. (Amer. Tel. & Tel.) | 1979 | 3 | 500,000.00 | 500,000.00 |
| Southerr California Edison Co., Ltd. | 1960 | 3¾ | 250,000.00 | 250,000.00 |
| Southwestern Bell Telephone Company (Amer. Tel. & Tel.) | 1964 | 3½ | 830,000.00 | 830,000.00 |
| Southwestern Bell Telephone Company (Amer. Tel. & Tel.) | 1968 | 3 | 794,000.00 | 794,000.00 |
| Standard Oil Company (New Jersey) | 1953 | 2¾ | 3,000,000.00 | 2,981,351.25 |
| Standard Oil Company (New Jersey) | 1961 | 3 | 715,000.00 | 698,425.00 |
| Union Oil Company of California | 1959 | 3 | 650,000.00 | 650,000.00 |
| United Electric Company of New Jersey (Public Service Corp. of N. J.) | 1949 | 4 | 277,000.00 | 274,562.50 |
| United States Steel Corporation | 1948 | 3¼ | 622,000.00 | 622,000.00 |
| Virginia Electric & Power Company (Engineers Public Service) | 1968 | 3½ | 111,000.00 | 111,000.00 |
| West Penn Power Company (Amer. Water Works & Electric) | 1966 | 3½ | 194,000.00 | 194,000.00 |
| West Texas Utilities Company (Middle West Corp.) | 1969 | 3¾ | 109,000.00 | 109,000.00 |
| Wisconsin Electric Power Company (North American Edison) | 1968 | 3½ | 500,000.00 | 500,000.00 |
| Public Utility & Miscellaneous Loans | | | $44,405,250.00 | $44,178,144.06 |
| Railroad Loans | | | 72,456,420.00 | 63,265,192.90 |
| Public Loans | | | 169,686,879.83 | 169,321,083.48 |
| | | | $286,548,549.83 | $276,764,420.44 |

| ASSETS | As Charged |
|---|---|
| Public, Railroad, Public Utility and Miscellaneous Loans as charged, accrued interest not included | $276,764,420.44 |
| Bonds and Mortgages, accrued interest not included | 43,320,647.90 |
| Ground Rents, accrued interest not included | 7,500.00 |
| Main Office, five Branches, 12th & Market Streets Office Building and Real Estate for Society's use | 7,181,800.40 |
| Other Real Estate acquired and held for sale | 18,641,439.18 |
| Suspense Account | 515,347.15 |
| Other Assets | 530,757.20 |
| Cash on hand and in banks | 30,208,148.64 |
| | $377,170,060.91 |

LIABILITIES

| | |
|---|---|
| Due to 546,359 Depositors | $354,046,024.72 |
| Surplus and Contingent Fund | 23,014,276.97 |
| Reserve for Federal and State Taxes | 95,000.00 |
| Other Liabilities | 14,759.22 |
| | $377,170,060.91 |

| Depositors' United States Loans Account | Assets | Liabilities |
|---|---|---|
| United States Bonds | $997,150.00 | |
| On Deposit | | $997,150.00 |
| Special Mortgage in Possession Rental Account (Pennsylvania Company) | | $1,064.00 |

## TABULAR STATEMENTS

### TABLE No. 1

Showing the Number and Amount of Deposits Received and Paid During 1939

| Months | Number | Receipts | Number | Payments |
|---|---|---|---|---|
| January | 106,498 | $5,865,847.60 | 32,843 | $4,651,587.26 |
| February | 85,527 | 5,106,193.69 | 32,399 | 4,758,178.34 |
| March | 143,259 | 6,494,472.52 | 48,171 | 7,120,165.94 |
| April | 107,688 | 5,348,164.51 | 38,102 | 5,899 246.79 |
| May | 104,859 | 5,407,523.72 | 42,270 | 6,145,484.14 |
| June | 80,716 | 5,133,725.27 | 44,879 | 6,252.895.49 |
| July | 64,482 | 4,942,552.23 | 38,764 | 5,708,600.97 |
| August | 61,195 | 4,316,065.74 | 35,151 | 5,014,966.92 |
| September | 70,416 | 4,458,228.55 | 36,571 | 5,574,753.83 |
| October | 124,510 | 4,945,103.47 | 34,097 | 5,838,435.87 |
| November | 118,043 | 5,352,398.25 | 32,817 | 5,157,764.69 |
| December | 100,296 | 6,008,410.02 | 40,760 | 5,166,881.97 |
| Totals | 1,167,388 | $63,378,685.57 | 456,824 | $67,288,962.21 |

### TABLE No. 2

Showing the Occupations of the Depositors who Opened Accounts with the Society During 1939.

Males

| | |
|---|---|
| Wage Earners | 9,587 |
| Salaried Employees | 4,118 |
| Agriculturists | 10 |
| Professional Men | 760 |
| Business Men | 870 |
| Minors | 10,962 |
| No Occupation | 767 |
| | 27,074 |

Females

| | |
|---|---|
| Wage Earners | 2,678 |
| Wives of Wage Earners | 7,523 |
| Wives of Salaried Employees | 1,304 |
| Business Women | 14 |
| Professional Women | 441 |
| Domestic Servants | 622 |
| Salaried Employees | 3,773 |
| Minors | 11,898 |
| No Occupation | 4,252 |
| | 32,505 |

| | |
|---|---|
| Males | 27,074 |
| Females | 32,505 |
| Total | 59,579 |

### TABLE No. 3

Showing the Nativity of Depositors Who Opened Accounts with the Society During 1939.

| Countries | Number |
|---|---|
| United States | 51,978 |
| Russia | 1,813 |
| Italy | 1,672 |
| Ireland | 858 |
| Germany | 816 |
| Poland | 429 |
| England | 367 |
| Austria | 321 |
| Balkan States | 186 |
| Hungary | 178 |
| Scotland | 176 |
| Baltic States | 167 |
| France | 86 |
| Greece | 80 |
| Canada | 79 |
| Norway and Sweden | 71 |
| Czecho-Slovakia | 55 |
| Switzerland | 47 |
| West Indies | 32 |
| Asia | 28 |
| Turkey | 26 |
| South America | 18 |
| Spain-Portugal | 18 |
| Belgium | 18 |
| China-Japan | 17 |
| Denmark | 17 |
| Holland | 10 |
| Mexico | 7 |
| Australia | 5 |
| Africa | 3 |
| Pacific Island | 1 |
| Total | 59,579 |

### TABLE No. 4

Showing the Change in the Number of Accounts, and Amount of Deposits for the Last Thirty Years.

| Years | Number of Accounts Open January 1 | Change in Number of Accounts | Balance Due Depositors January 1 | Change in Amount of Balance |
|---|---|---|---|---|
| 1911 | 273,320 | 7,048 | $101,326,993.82 | $5,813,395.06 |
| 1912 | 276,379 | 3,059 | 106,548,487.98 | 5,221,494.16 |
| 1913 | 278,497 | 2,118 | 111,671,396.12 | 5,122,908.14 |
| 1914 | 283,735 | 5,238 | 117,799,032.02 | 6,127,635.90 |
| 1915 | 283,086 | *649 | 121,210,207.68 | 3,411,175.66 |
| 1916 | 284,846 | 1,760 | 125,522,321.59 | 4,312,113.91 |
| 1917 | 294,748 | 9,902 | 136,588,586.55 | 11,066,264.96 |
| 1918 | 287,801 | *6,947 | 137,700,673.29 | 1,112,086.74 |
| 1919 | 289,917 | 2,116 | 144,339,790.92 | 6,639,117.63 |
| 1920 | 295,863 | 5,946 | 157,312,701.66 | 12,972,910.74 |
| 1921 | 294,526 | *1,337 | 167,846,323.04 | 10,533,621.38 |
| 1922 | 283,130 | *11,396 | 169,958,578.20 | 2,112,255.16 |
| 1923 | 272,758 | *10,372 | 172,722,794.51 | 2,764,216.31 |
| 1924 | 267,269 | 5,489 | 184,937,788.05 | 12,214,993.54 |
| 1925 | 272,277 | 5,008 | 195,809,110.04 | 10,871,321.99 |
| 1926 | 288,100 | 15,823 | 209,976,114.52 | 14.167.004.48 |
| 1927 | 305,764 | 17,664 | 225,350,088.61 | 15,373,974.09 |
| 1928 | 324,254 | 18,490 | 240,560,770.65 | 15,210 682.04 |
| 1929 | 336,947 | 12,693 | 255,983,388.14 | 15,422,617.49 |
| 1930 | 362,787 | 25,840 | 263,425,959.06 | 7,442,570.92 |
| 1931 | 394,728 | 31,941 | 300,934,564.40 | 37,508,605.34 |
| 1932 | 447,776 | 53,048 | 312,000,098.28 | 11,065,533.88 |
| 1933 | 468,023 | 20,247 | 319,284,105.43 | 7,284,007.15 |
| 1934 | 483,986 | 15,963 | 311,593,205.38 | *7,690,900.05 |
| 1935 | 505,612 | 21,626 | 320,430,887.76 | 8,837,682.38 |
| 1936 | 521,729 | 16,117 | 328,407,915.09 | 7,977,027.33 |
| 1937 | 543,819 | 22,090 | 341,805,083.76 | 13,397,168.67 |
| 1938 | 552,659 | 8,840 | 347,190,899.79 | 5,385,816.03 |
| 1939 | 549,681 | *2,978 | 350,188,360.91 | 2,997,461.12 |
| 1940 | 549,359 | *322 | 354,046,024.72 | 3,857,663.81 |

*Decrease

TABLE No. 5

Showing the Average Receipts and Payments of Deposits for the Last Thirty Years

| Years | Receipts | Payments | Years | Receipts | Payments |
|---|---|---|---|---|---|
| 1910 .... | $58.88 | $120.72 | 1925 .... | $79.91 | $228.40 |
| 1911 .... | 60.46 | 121.19 | 1926 .... | 69.34 | 213.41 |
| 1912 .... | 62.65 | 123.80 | 1927 .... | 60.80 | 188.78 |
| 1913 .... | 63.50 | 130.83 | 1928 .... | 58.93 | 170.65 |
| 1914 .... | 68.73 | 122.07 | 1929 .... | 57.36 | 180.59 |
| 1915 .... | 66.47 | 123.52 | 1930 .... | 75.79 | 146.40 |
| 1916 .... | 70.24 | 140.12 | 1931 .... | 87.85 | 189.85 |
| 1917 .... | 79.47 | 168.96 | 1932 .... | 67.69 | 134.31 |
| 1918 .... | 84.78 | 179.73 | 1933 .... | 65.34 | 130.89 |
| 1919 .... | 78.84 | 229.63 | 1934 .... | 55.59 | 120.03 |
| 1920 .... | 76.05 | 266.72 | 1935 .... | 53.37 | 127.13 |
| 1921 .... | 70.88 | 214.71 | 1936 .... | 53.55 | 136.09 |
| 1922 .... | 79.10 | 240.14 | 1937 .... | 51.95 | 146.37 |
| 1923 .... | 100.15 | 274.45 | 1938 .... | 52.37 | 134.54 |
| 1924 .... | 93.86 | 244.74 | 1939 .... | 54.29 | 147.30 |

TABLE No. 6

Showing the Amount of the Contingent Fund on the First day of January of Each Year for the Last Thirty Years

| Years | Amounts | Years | Amounts |
|---|---|---|---|
| 1911 ..... | $10,259,340.30 | 1926 ..... | $14,482,780.78 |
| 1912 ..... | 10,683,845.56 | 1927 ..... | 15,087,567.11 |
| 1913 ..... | 11,165,999.94 | 1928 ..... | 15,898,813.47 |
| 1914 ..... | 11,176,555.44 | 1929 ..... | 18,009,645.96 |
| 1915 ..... | 11,331,235.55 | 1930 ..... | 19,921,389.30 |
| 1916 ..... | 12,227,166.07 | 1931 ..... | 21,279,368.96 |
| 1917 ..... | 12,742,427.54 | 1932 ..... | 20,423,523.22 |
| 1918 ..... | 12,762,461.74 | 1933 ..... | 20,140,866.72 |
| 1919 ..... | 12,017,436.96 | 1934 ..... | 19,310,613.47 |
| 1920 ..... | 8,096,438.74 | 1935 ..... | 20,426,076.88 |
| 1921 ..... | 7,049,126.96 | 1936 ..... | 21,439,134.92 |
| 1922 ..... | 8,695,524.15 | 1937 ..... | 22,218,281.11 |
| 1923 ..... | 10,451,116.13 | 1938 ..... | 22,567,408.49 |
| 1924 ..... | 11,711,226.15 | 1939 ..... | 22,762,243.46 |
| 1925 ..... | 13,834,881.92 | 1940 ..... | 23,014,276.97 |

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THE DOLLAR SAVINGS BANK

338-344 Fourth Avenue, Pittsburgh, Pa.

Chartered 1855

ONE HUNDRED AND SIXTY-NINTH SEMI-ANNUAL REPORT

STATEMENT, DECEMBER 1, 1939

Assets

| | |
|---|---|
| Cash on Hand and in Banks | $ 6,199,395.42 |
| United States Government Securities | 16,577,550.71 |
| Municipal Bonds | 12,269,945.22 |
| Railroad Bonds | 9,828,776.25 |
| Public Utility Bonds | 3,551,731.25 |
| Industrial and Other Bonds | 581,900.00 |
| First Mortgage Loans on Real Estate | 11,364,526.25 |
| Loans to Depositors secured by their Deposits | 135,952.90 |
| Collateral Loans | 6,000.00 |
| Banking House | 100,000.00 |
| Other Real Estate | 977,404.65 |
| Other Assets | 73,058.99 |
| Total Assets | $61,666,241.64 |

Liabilities

| | |
|---|---|
| Savings Deposits | $55,684,262.74 |
| Christmas Club Deposits | 564,362.39 |
| Other Liabilities | 5,181.21 |
| Reserves | 758,929.17 |
| Surplus | 4,653,506.13 |
| Total Liabilities | $61,666,241.64 |

The undersigned Auditing Committee respectfully report that they have examined the assets of the Bank and find them to correspond with the foregoing report.

C. H. CURRY
C. McK. LYNCH
F. R. WALTON
H. L. MITCHELL
G. P. RHODES
AUGUSTUS K. OLIVER
J. W. CREE, JR.
ROBERT R. GORDON
G. GREER COOLIDGE
C. L. McCUNE

Auditing Committee

Pittsburgh, Pa., December 12, 1939

Organized in 1855 for the purpose of encouraging thrift and the habit of saving, is a mutual savings bank and is operated solely for the benefit of its depositors. There are no stockholders. The assets and earnings belong to the depositors. Therefore, after expenses of operation are paid and suitable amounts set aside for surplus, dividends are paid on deposits at as high a rate as sound judgment and conservative policy will permit.

THE GROWTH OF THE DOLLAR SAVINGS BANK

From 1855 to 1935

| | |
|---|---|
| Amount due depositors December 1st 1855 | $ 7,627.28 |
| Amount due depositors December 1st 1865 | 1,774,425.94 |
| Amount due depositors December 1st 1875 | 4,185,326.35 |
| Amount due depositors December 1st 1885 | 9,433,662.01 |
| Amount due depositors December 1st 1895 | 14,871,537.53 |
| Amount due depositors December 1st 1905 | 22,881,443.87 |
| Amount due depositors December 1st 1915 | 33,866,689.01 |
| Amount due depositors December 1st 1925 | 38,240,665.81 |
| Amount due depositors December 1st 1935 | 49,027,415.04 |

INFORMATION FOR DEPOSITORS

Put Your Savings in a Savings Bank

Deposits may be made

In the name of one person.

In the names of husband and wife jointly, payable to either or the survivor.

In trust for a minor. Under absolute control of Trustee during his or her lifetime. In event of Trustee's death, payable to beneficiary on attaining the age of 21 years.

In trust, payable to one or more beneficiaries after the death of the Trustee or Trustees, without letters of administration.

In trust for Lodges, Societies or Associations.

Depositors should notify the Bank promptly in case of loss of pass book.

Banking by Mail

Accounts may be opened, deposits made and funds withdrawn by mail. The Pass Book must accompany every transaction and will be returned on the day it is received.

Loans to depositors on their pass books.

Dividends are credited semi-annually June 1st and December 1st.

Banking Hours:
Daily, 9 A. M. to 3 P. M.
Saturdays, 9 A. M. to 12 Noon

President
CHARLES F. CHUBB

Senior Vice-President
WM. E. von BONNHORST

Vice-Presidents

HILL BURGWIN
CHARLES H. CURRY
WILLIAM FREW
ROBERT R. GORDON
CHARLES L. McCUNE
FRANCIS B. NIMICK
HOWARD A. NOBLE
HENRY A. PHILLIPS
ALFRED C. POLLOCK
JAMES C. REA

Trustees

| | |
|---|---|
| HORACE F. BAKER | DAVID W. McNAUGHER |
| A. MARSHALL BELL | H. LEE MASON, JR. |
| GEORGE L. COLLORD | HARRY L. MITCHELL |
| G. GREER COOLIDGE | WILLIAM L. MONRO |
| JAMES W. CREE, JR. | GEORGE B. OATES |
| JOHN C. DILWORTH | AUGUSTUS K. OLIVER |
| H. B. HIGGINS | GEORGE P. RHODES |
| FRANKLIN C. IRISH | ELMER S. STANIER |
| HENRY H. LATSHAW | FRANK R. WALTON |
| CLARENCE E. LOTT | WILLIAM P. WITHEROW |
| C. McK. LYNCH | C. HOLMES WOLFE |
| ROBERT H. McCLINTIC | CURTIS M. YOHE |

Treasurer — ELMER S. STANIER

Secretary — ALFRED C. POLLOCK

Ass't Sec'y and Ass't Treasurer
HENRY H. LATSHAW

Ass't to the President
GEORGE B. OATES

LIST OF DEPOSITORS OF THE DOLLAR SAVINGS BANK OF PITTSBURGH, PA., WHO HAVE NOT MADE A DEPOSIT WITHIN TWO YEARS, AND WHOSE DIVIDENDS, WHICH HAVE NOT BEEN ENTERED UPON THEIR PASS BOOKS, AMOUNT TO AT LEAST FIVE DOLLARS.

This Statement is published annually in accordance with the Charter.

A

| | | |
|---|---|---|
| 296474 | Aeppli, Chauncey D. | 622.61 |
| 299123 | Alexander, Robt. T. | 21.83 |
| 305769 | Albright, Jennie S. | 82.05 |
| 311995 | Allen, Edna | 121 64 |
| 315370 | Armstrong, Rebecca M. | 663.97 |
| 327746 | Austin, Mary E. | 2,413 38 |
| 398360 | Anderson, Ralph S. | 78.03 |
| 399002 | Atkinson, Avis A. | 67.93 |
| 401686 | Americus, Lucile | 818 48 |
| 403148 | Algeo, Mayme J. | 1,616.03 |
| 430174 | Armstrong, Adam M. | 193 59 |
| 430408 | Allison, J. W. or M. | 907 37 |
| 430956 | Alter, Marie | 1,248 15 |
| 448684 | Ash, Bertha | 1,444 32 |
| 429941 | Anderson, Gus E. | 218 17 |
| 386302 | Alpern, Adie | 641.48 |
| 387105 | Arnold, Florence | 562 16 |
| 389552 | Armstrong, Wm. F. | 18 51 |
| 391863 | Allison, Rosa R. | 13.85 |
| 418032 | Adams, Bertie | 866 44 |
| 335313 | Alekasindrwincs, Peter | 293.88 |
| 343236 | Aleliunas, Antonas | 92 08 |
| 347361 | Anderson, Arden E. | 17.38 |
| 348819 | Allan, Mabel H. | 117 84 |
| 353596 | Andia, Angelina | 1,673 13 |
| 407596 | Atkinson, Catherine | 42.92 |
| 420566 | Aalborg, Herbert K. | 1,335.31 |
| 434573 | Abele, Lillie V. | 172.44 |
| 443514 | Applegate, Virginia S. | 601.39 |
| 445234 | Abels, Elsie | 107 24 |
| 361343 | Abraham, Dora V., admrx. | 1,695 63 |
| 367387 | Aul, M. Loretta | 89 56 |
| 369453 | Ayres, Robert | 27.19 |
| 371839 | Augustine, Eliz | 55.04 |
| 426070 | Allsopp, Mabel C. | 555 05 |
| 428869 | Adsit, Harry B. | 108.79 |
| 74453 | Adams, Esther E. | 24.74 |
| 238072 | Abraham, Dora V. | 746 50 |
| 414405 | Adams, Frank E. | 46 83 |
| 415571 | Adamson, Emily | 1,374.7[illegible] |
| 423571 | Ahlborn, Charles W. | 132 98 |
| 424599 | Aber, John | 432.05 |
| 436391 | Auk, Julia R. | 1,241 20 |
| 209546 | Arndt, Charles L. | 30.41 |

B

| | | |
|---|---|---|
| 359942 | Butkaite, Urszula | 1,739 60 |
| 366491 | Besso, Lina | 2,346 32 |
| 367550 | Burnham, Eleanor McC. | 49 02 |
| 370304 | Baxter, Marg't J. | 18 86 |
| 370616 | Bragdon, Maud E. | 680 28 |
| 371258 | Birkel, Sophia | 111.08 |
| 378435 | Brahm, Albert L. | 105 43 |
| 379605 | Bender, Charlotte C. | 478.18 |
| 426037 | Beam, Margaret | 234.99 |
| 426378 | Berkley, Lloyd N. | 243.86 |
| 426710 | Burkett, Richard H. | 210 84 |
| 426773 | Baker, Agnes A. | 1,056 29 |
| 427736 | Bietenduefel, Anna E. | 83.31 |
| 74323 | Blair, Elizabeth S. | 57 45 |
| 82096 | Boucher, May H. | 4,311 84 |
| 101824 | Buente, Lue | 881 [illegible] |
| 117491 | Bover, Rachel L. | 120 [illegible] |
| 138365 | Bubenheim, Louis | 353 [illegible] |
| 152015 | Barclay, John, Jr. | 159 89 |
| 157388 | Bright Jane | 61.23 |
| 200906 | Bowers George | 2,328.28 |
| 203568 | Brannon, Helen T. | 607 87 |
| 214126 | Booker, Emanuel B. | 638 40 |
| 242037 | Baret, Lue Celestine | 103.24 |
| 247825 | Behan, Mary | 304.[illegible] |
| 257134 | Bealafeld, William C. | 127.30 |
| 265583 | Bachrach, Henry | 1,084.39 |
| 411681 | Beiswenger, Henry | 109.01 |
| 411855 | Boehm, Wendolin | 627.09 |
| 412686 | Baughman, Besse | 150.61 |
| 413882 | Bethke, Jane | 80.37 |
| 414362 | Bailey, Charles E. | 13,811.92 |
| 414550 | Bannerman, Gertrude W. | 124.58 |
| 415678 | Black, John F. | 50.43 |
| 424743 | Brick, Henry F. | 231.11 |
| 425144 | Balla, Julius A. | 352.50 |
| 425442 | Baine, John W. | 455.03 |
| 435944 | Brecht, Lillian E. | 57.37 |
| 217882 | Barry, Sarah | 11.98 |
| 261747 | Borman, Chas. T. | 31.97 |
| 328070 | Beck, Ida | 488.54 |
| 332901 | Bell, Robert C. | 666.01 |
| 340494 | Beschel, Christina | 175.73 |
| 343605 | Burgum, Jane | 178.31 |
| 347691 | Bechtel, William M. | 38.18 |
| 349185 | Bushfield, Martha P. | 107 59 |
| 349248 | Brothers, Florence A | 311 66 |
| 350480 | Barks, Emma | 75.88 |
| 353682 | Blochinger, Michael A. | 455.76 |
| 354085 | Becker, Frank C. | 84.90 |
| 357128 | Bell, Clara I. | 2,205 18 |
| 405634 | Babej, John | 2,068.61 |
| 407820 | Baldwin, Ida | 40.25 |
| 408034 | Barrett, James W. | 899 25 |
| 408037 | Bauer, Florence G. | 221.94 |
| 408147 | Brandt, Leo | 60.88 |
| 408536 | Buvinger, Chas. I. | 114.67 |
| 408792 | Bruner, David A. | 23.02 |
| 408858 | Black, Elizabeth | 315 00 |
| 408305 | Barrett, Bridget | 2,032.83 |
| 409337 | Bauer, Mathilde G. | 92.78 |
| 409643 | Burns, James J. | 1,678 63 |
| 409676 | Burton, Roberta M. | 67 83 |
| 409937 | Belfore, Ruth I., exrx. | 3,467.43 |
| 410100 | Boltz, Laura S. | 654.48 |
| 410270 | Binns, Ralph H., Jr. | 109 86 |
| 410284 | Barbour, Edna J. | 887.29 |
| 410859 | Bonar, Edith W. | 839 01 |
| 421380 | Buchman, Geo. L. | 52.22 |
| 421814 | Bailey, Franklin D. | 2 728 73 |
| 434566 | Beabout, Sophie | 428 07 |
| 443030 | Baily, Marian E. | 177 97 |
| 243519 | Bertrilacchi, Italio | 28 85 |
| 421950 | Barbour, Marg't C. | 205.58 |
| 268150 | Bird, Mary J. | 123 63 |
| 277159 | Baldwin, Ida | 459 67 |
| 283899 | Black, Janette B. | 131.32 |
| 289576 | Byers, Adele | 511 85 |
| 294263 | Bontempo, Tony | 70.19 |
| 296322 | Beall, Mary A. | 431 47 |
| 301543 | Barnes, Ernest | 136 89 |
| 308941 | Bannas, Mary | 1,004 23 |
| 312464 | Burnell, Tula L. T. | 810.12 |
| 318761 | Bigelman, Lewis C. | 2,893 95 |
| 397665 | Burgess, Edna M. | 2,311.78 |
| 396351 | Brown, Minnie | 50 26 |
| 399227 | Beardsley, Hannah | 234 48 |
| 399664 | Buchlers, Geo. E. | 20 90 |
| 402349 | Butler, Abe | 35 77 |
| 403563 | Bornschcuer, Clara | 117 96 |
| 403825 | Beatty Kath. M. | 45 96 |
| 403905 | Boyle, Marg't E. | 1,064 69 |
| 404287 | Bills, Eliz. G. | 1,320 88 |
| 404660 | Bender, August R. | 86 60 |
| 430082 | Boyer, H. H. | 1,772 93 |
| 431186 | Bruner, Jos. and M. E. | 1,049 25 |
| 442391 | Brown, David A. | 6,025 23 |
| 275578 | Bulford, Harriet | 48 61 |
| 281942 | Bynane, Elizabeth | 55 01 |
| 284068 | Barefoot, James | 293 23 |
| 285526 | Berkoski, Katherine | 280 55 |
| 286731 | Bartley, Ethel | 6,313 37 |
| 286986 | Brandl, Frank J. | 2,467 04 |
| 286223 | Bleiinger, Henriette | 3,198 29 |
| 291907 | Baskerville, Minnie A. | 329 41 |
| 292268 | Baird, John, L. | 67 54 |
| 292728 | Bernardi, Florence R. | 177 12 |
| 292441 | Bruckman, Marg't L. K. | 36 17 |
| 293485 | Boardman, Geo. R. Jr. | 671.18 |
| 294038 | Burgess, Jennie | 15 26 |
| 295155 | Boss, Fred W. | 77 72 |
| 295563 | Ball, Gordon H. | 1,594 95 |
| 295738 | Barna, Metro | 1,990 17 |
| 416498 | Barbour, John K. | 7,168 79 |
| 416996 | Bill, Norman A. | 306 92 |
| 417459 | Benson, Hansine L. | 3,613 30 |
| 417550 | Blumer, Sadie L. | 161.61 |
| 417995 | Bovard, John J. | 31 03 |
| 418110 | Ballantyne, Lucie B. | 278 02 |
| 419273 | Bert, Florence I. | 652 02 |
| 419974 | Boyle, Grace M. | 551 01 |
| 420424 | Boll, Amelia | 79 75 |
| 293983 | Barron, Jannet | 21 03 |

C

| | | |
|---|---|---|
| 330647 | Calhoun, John C. | 1,590.57 |
| 330794 | Clark, Margaret | 50.44 |
| 333258 | Curtis, Joseph | 3,276 95 |
| 335363 | Clemente, Mariano | 601 48 |
| 340929 | Cornett, Margaret | 753 63 |
| 348765 | Conley, John J. | 188.02 |

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|---|---|---|
| 350581 | Coulter, Grace B. | 18.99 |
| 353223 | Crowley, Bridget | 7,045.60 |
| 354423 | Campbell, Eva | 243.67 |
| 405031 | Cable, Howard A. | 526.28 |
| 406442 | Conboy, William | 351.17 |
| 407835 | Chaney, Harry G. | 251.30 |
| 408506 | Coyle, Christopher | 163.33 |
| 409559 | Coffman, Sara T. | 1,306.78 |
| 410785 | Cohen, Morris | 70.07 |
| 420671 | Cubbage, Sarah | 299.92 |
| 420865 | Cummings, Elsie E. | 66.29 |
| 421832 | Cummings, Robt. A., Jr. | 88.05 |
| 422178 | Commons, Ernest M. | 40.15 |
| 422727 | Conley, Mary B. | 73.24 |
| 432116 | Caldwell, Clive B. | 1,835.50 |
| 432801 | Carson, Harry E. | 198.56 |
| 445788 | Curren, Mary B. | 3,688.55 |
| 446128 | Carline, Alvine | 394.51 |
| 446271 | Crim, W. R. (Special) | 397.29 |
| 389450 | Cronin, Margaret T. | 123.77 |
| 393476 | Csuk, Anna | 2,038.51 |
| 395125 | Court, Mary | 41.46 |
| 395291 | Carnahan, Clara H. | 108.36 |
| 416988 | Carson, Margaret | 72.86 |
| 417280 | Cohen, Ada | 498.90 |
| 417402 | Crilley, Jean | 122.35 |
| 418276 | Cain, Adelia T. | 75.11 |
| 418965 | Clark, William J. | 3,324.52 |
| 438168 | Carlton, Cecilia M. | 129.86 |
| 438452 | Cocco, George | 216.43 |
| 439784 | Coll, Mary M. | 1,125.93 |
| 382967 | Caveney, Margaret A. | 25.97 |
| 394123 | Campbell, Fred A. | 194.12 |
| 273857 | Carr, Mollie K. | 50.02 |
| 291255 | Carlen, Bernard K. | 300.59 |
| 294816 | Cowan, Elizabeth | 4,447.39 |
| 297652 | Crothers, Mary S. | 91.06 |
| 305018 | Coleman, Tillie | 4,277.45 |
| 311958 | Clark, Nellie D. | 618.01 |
| 317359 | Cole, Henry E. | 128.58 |
| 317781 | Coady, Jno. | 195.53 |
| 326453 | Cain, Jos. W. | 984.63 |
| 398837 | Clinton, Maggie | 617.13 |
| 401313 | Cohen, Dora | 2,770.57 |
| 402277 | Cain, Thos. M. et al., Extrs. | 79.29 |
| 429692 | Cullen, Chester C. | 170.46 |
| 430136 | Cannon, Elma M. | 606.21 |
| 430269 | Cummings, Elsie E. | 286.72 |
| 430303 | Cale, Jno. R. | 110.12 |
| 440721 | Campbell, Sarah | 873.42 |
| 441346 | Crehan, Wm. E. | 70.41 |
| 430125 | Criswell, Marie D. | 435.28 |
| 78364 | Clapp, George H. | 1,481.61 |
| 110682 | Croco, Annie | 1,260.23 |
| 124737 | Cornman, Henry | 95.89 |
| 130961 | Carroll, Edward F. | 163.03 |
| 132574 | Connelly, Katie | 40.24 |
| 138543 | Cashdollar, Mary M. | 2,179.26 |
| 142816 | Church, William F. | 29.19 |
| 160454 | Conlon, Marcella Q. | 1,254.05 |
| 168009 | Croco, Isaac W. | 681.75 |
| 176498 | Campion, Katherine M. | 3,732.02 |
| 177826 | Creaven, Matthew F., Extr. | 3,001.50 |
| 191993 | Cress, Robert S. | 25.71 |
| 201747 | Curry, Mary J. | 5,387.49 |
| 208873 | Carlin, David N., Extr. | 42.08 |
| 233827 | Costello, Nellie | 203.73 |
| 233934 | Connelly, S. Agnes | 64.38 |
| 247109 | Crawford, Nora O. | 482.06 |
| 263467 | Carson, Anna B. | 2,968.09 |
| 263661 | Catlin, Rosa E. | 244.38 |
| 411371 | Cracnoff, Alek | 437.92 |
| 414966 | Coyle, John | 865.85 |
| 415775 | Cuddeback, Thomas J. | 53.75 |
| 423067 | Connolly, Coleman | 838.57 |
| 424717 | Cunningham, Katherine | 33.85 |
| 424760 | Carlson, B. W. | 114.25 |
| 425673 | Church, Saint Ursula | 317.38 |
| 425783 | Conley, Matilda J. | 433.09 |
| 425846 | Coyne, Bartley | 456.90 |
| 425500 | Campbell, Thomas | 698.57 |
| 426731 | Crothers, Frances L. | 59.37 |
| 427181 | Cosner, Milson K. | 56.83 |
| 250[illegible] | Crane, Joseph, Jr. | 21.54 |
| 262170 | Cahill, Thomas E. | 1,050.20 |
| 265922 | Clark, Mayme A. | 44.86 |
| 267288 | Cassidy, Peter | 144.58 |
| 370418 | Cleeland, Minnie R. | 239.70 |
| 376496 | Conroy, Della J. | 2,534.58 |
| 426183 | Cupples, Sarah | 1,124.58 |
| 426185 | Cupples, James | 1,211.56 |
| 426283 | Collins, James | 144.31 |
| 427419 | Cochrane, Alice M. | 1,218.77 |
| 427840 | Craft, Anna H. | 50.16 |

D

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| 284040 | Dick, Wm. M. | 685.33 |
| 287818 | DeTemple, Valentine | 5,011.35 |
| 294660 | Demut, Julie | 459.56 |
| 293796 | Darrell, Theresa | 2,836.66 |
| 302278 | Drennan, Lillie | 332.92 |
| 307102 | Devine, Margaret | 102.21 |
| 314591 | Davis, Nathan | 83.75 |
| 325899 | Daschbach, Margaret R. | 672.02 |
| 399500 | Drummond, Grace | 431.24 |
| 400115 | Duff, Marg't H. | 122.26 |
| 400321 | Davies, Geo. A. | 422.52 |
| 400744 | Drake, Lida | 131.21 |
| 402480 | Davis, Steve | 817.28 |
| 403402 | Dressler, Philip W. | 3,667.94 |
| 403908 | Dever, Martha C. | 363.39 |
| 404731 | Dempsey, Ora A. | 106.39 |
| 429221 | Dunbar, Jas. C. | 124.13 |
| 431193 | Donehoo, Helen F. | 129.87 |
| 447473 | Dickson, Pauline A. | 106.37 |
| 384368 | Dieckman, Marie | 1,336.68 |
| 388373 | Dean, Anna M. | 359.26 |
| 388546 | Donaghy, Elizabeth | 126.77 |
| 391972 | Dittrich, Wilhelmine | 134.86 |
| 393115 | Dornan, Terres E. | 13.97 |
| 294383 | Donnelly, Anna | 877.87 |
| 419148 | Dudt, Johanna C. | 71.10 |
| 440425 | Durkin, Beasey | 133.50 |
| 419984 | Dornan, James F. | 29.97 |
| 438149 | Davis, Belinda | 452.82 |
| 77151 | Dickson, Edward | 4,684.66 |
| 139512 | Davis, Annie M. | 1,198.18 |
| 149129 | Dando, Rachel H. | 349.47 |
| 159412 | Devlin, Marie A. | 99.79 |
| 164958 | Donahoe, William | 19.52 |
| 193887 | Dalzell, Lila A. J. | 5,456.26 |
| 411169 | Donnelly, Mary | 2,397.[illegible] |
| 411818 | Donnelly, Mildred A. | 224.46 |
| 413715 | Delp, Walter A. | 529.67 |
| 413909 | Decker, D. Hatfield | 192.75 |
| 414044 | Derr, E. Robert | 39.03 |
| 414241 | Duff, Levi Bird | 43.77 |
| 415453 | Donaldson, Florence B. | 65.99 |
| 423270 | Donahue, Helen V. | 93.22 |
| 424587 | Davis, Nellie M. | 59.47 |
| 425508 | Davidson, Bertha | 1,073.12 |
| 437161 | Dreisbach, Helen | 596.03 |
| 338328 | Davis, Margaret J. | 145.80 |
| 351196 | Deiss, Mary A. | 27.22 |
| 351316 | Dobencoff, Kate | 27.16 |
| 355917 | Delany, Allye A. | 43.35 |
| 357786 | Duggan, Mary L. M. | 75.86 |
| 368675 | Dietrich, Chas. F. | 1,670.56 |
| 420288 | Doyle, Wm. E. | 27.95 |
| 422074 | Dillon, Mary J. | 5,219.03 |
| 433255 | Deer, Warren H. | 322.54 |
| 433613 | Deckenbaugh, Andrew L. | 120.16 |
| 433663 | Duff, Lula C. | 1,250.02 |
| 433872 | Davis, Jane Mc. | 456.07 |
| 359759 | Dawson, Catherine | 141.67 |
| 362151 | Duda, Rose F. | 103.35 |
| 362204 | Duffett, Henry | 739.97 |
| 364866 | Downing, Mary | 1,817.11 |
| 369009 | Dreher, Eliz. | 3,153.95 |
| 372116 | Dietrich, Harry | 319.17 |
| 374684 | Darr, Edith M. | 235.63 |
| 374876 | Duffy, Agnes | 408.53 |
| 376211 | Dibello, Teresa | 627.01 |
| 376618 | Dodd, Nellie F. | 17.76 |
| 377254 | Davis, Alice J. | 1,285.61 |
| 426011 | De Bolt, Genevieve H. | 180.31 |
| 427242 | Dever, Ellie E. | 923.96 |

E

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|---|---|---|
| 276560 | Ehrman, Caroline | 184.33 |
| 297043 | Eakins, Francis A. | 977.99 |
| 326390 | Ebbert, Elizabetha | 84.78 |
| 398080 | Elmi, Jos. | 19.41 |
| 400562 | Elmore, Daniel | 45.35 |
| 401139 | Everman, Alfreda P. | 799.34 |
| 403652 | Ertzman, Chas. E. | 176.23 |
| 404445 | Eisenberg, Jacob E. | 3,304.45 |
| 388462 | Ebert, Anna M. | 2,700.52 |
| 425050 | Elmon, Ella | 1,504.31 |
| 438455 | Englert, Richard A. | 606.61 |
| 439320 | Egan, Rosina McC. | 1,671.29 |
| 337161 | Engle, Annie R. | 2,308.67 |
| 344982 | Englert, Elizabeth M. | 159.42 |
| 352107 | Evans, Mary M. | 427.69 |
| 406908 | Evans, Nellie | 229.63 |
| 409861 | Evans, Elizabeth B. | 63.37 |
| 420175 | Enyeart, Josephine | 167.85 |
| 421805 | Eberle, Wm. J. | 3,216.99 |
| 426222 | Epstein, Burford B., Admr. | 899.83 |
| 426297 | Evans, Evaline | 121.63 |
| 425548 | Eber, Herman L. | 7,777.46 |
| 428716 | Eckert, Anna | 151.44 |
| 429166 | Engelhard, Elizabeth | 2,978.17 |
| 222477 | Eisenrath, Charles F. | 800.99 |
| 226259 | Ebensberger, Sarah M. | 3,651.36 |
| 414116 | Englert, Kathryn | 93.21 |
| 415693 | Englert, Elizabeth M. | 353.80 |
| 423061 | Eckert, Hannah | 536.38 |
| 423925 | Erwin, Floy M. | 1,654.08 |
| 424381 | Eber, Herman L. | 103.24 |
| 425469 | Eisner, Ray | 4,564.00 |

F

| | | |
|---|---|---|
| 265885 | Fenyz, John | 203.14 |
| 265940 | Fisher, Clara E. | 246.10 |
| 316076 | Fawcett, Charlotte O. | 543.59 |
| 326735 | Flack, Olive | 823.13 |
| 395767 | Flynn, Tina J. | 28.93 |
| 399433 | Flannery, Mary | 1,093.47 |
| 400039 | Faudel, Maria R. | 4,197.69 |
| 400157 | Fennell, Sarah T. | 2,206.74 |

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|---|---|---|
| 404037 | Flynn, Michael, Admr. | 203 73 |
| 404736 | Freeman, Esther M. | 361 00 |
| 447815 | Fennell, Teresa E. | 4,976.33 |
| 322605 | Ferguson, Samuel J. | 586.69 |
| 398172 | Fisher, Hyman | 17 63 |
| 381708 | Fennell, Margaret M. | 5,009.27 |
| 392656 | Foust, Mae | 832.67 |
| 392894 | Freund, Lillie M. | 42 91 |
| 393372 | Fisher, Margaret M. | 109.11 |
| 393375 | Freeborn, Margaret E. | 3,383 75 |
| 394720 | Fanning, Margaret J. | 15.56 |
| 395582 | Fetter, Carrie, Exrx. | 1,109.91 |
| 416436 | Flohr, Marguerite | 1,446 51 |
| 417823 | Fichter, Phillip | 51.79 |
| 439063 | Farmer, Florence M. | 79.07 |
| 363184 | Finkelstein, Zalmen | 183 73 |
| 365786 | Flohr, Kathryn S. | 20.93 |
| 369460 | Fitz, Arabella S. | 139 91 |
| 369693 | Friedman, Ida | 678 78 |
| 426511 | Fairfield, Edmund J. | 178.72 |
| 156226 | Fleming, Dr. Richard K. | 22.04 |
| 221051 | Fry, Craig H. | 20 99 |
| 228519 | Fisher, William H. | 27.94 |
| 247177 | Fuhs, August T. | 11,431 88 |
| 412267 | Farrell, Perry | 812 39 |
| 414017 | Felix, Anthony K. | 213.42 |
| 414576 | Faherty, Margaret T. | 1,356 29 |
| 415113 | Fleckenstein, Geo. V. | 49.99 |
| 423507 | Friedman, Anna | 5,447 32 |
| 425304 | Field, Anna E. | 334 90 |
| 335826 | Friedman, Anna | 761.40 |
| 339111 | Fried, W. F. | 161.50 |
| 347243 | Furich, Martin | 615 02 |
| 406229 | Fox, Mary J. | 128 33 |
| 407417 | Felker, Elizabeth | 134 71 |
| 407815 | Frazer, Hazel M. | 2,265.52 |
| 408725 | Flowers, Mary C. | 265.52 |
| 420216 | Fox, E. J., Sr. | 92 80 |
| 420471 | Fisher, Sarah J. | 628 00 |
| 421311 | Fereday, Marie G. | 28.17 |
| 432093 | Fennessy, Phoebe | 594 00 |

G

| | | |
|---|---|---|
| 277534 | Gans, Marg't F. | 266 24 |
| 285828 | Greiner, Leona B. | 558 45 |
| 289284 | Gerling, Josephine M. | 850 24 |
| 299428 | Gormley, Anna | 1,616.03 |
| 299215 | Gill, Wm. | 1,494.41 |
| 315143 | Gratz, Katie | 187 49 |
| 320871 | Geinzer, Emma B. | 1,354.65 |
| 323150 | Green, Anna M. | 65 36 |
| 325236 | Gelb, Frances | 376.59 |
| 396626 | Grogan, Annie | 13.06 |
| 401997 | Grounds, Lydia H. | 1,287.61 |
| 402012 | Greves, Alice | 50 04 |
| 403323 | Goetz, Arthur F. | 195.75 |
| 430202 | Cropper, Sara | 1,163.09 |
| 430542 | Gaston, Marg't E. | 431.43 |
| 430955 | Glick, Sophia | 2,404.20 |
| 398760 | Goldenson, Dora B. | 108.78 |
| 430876 | Gerber, Anna W. | 1,485.30 |
| 360662 | Griffin, Hester E. | 2,029.06 |
| 366917 | Gasior, Anna | 15.02 |
| 368789 | Gettman, Louise M. | 249.11 |
| 375636 | Greve, Edgar E. | 1,223.93 |
| 378811 | Geer, Wm. E. | 29.65 |
| 426127 | Galloway, Wm. R. | 59 80 |
| 427226 | Grier, Daniel G. | 659.85 |
| 389730 | Golden, Ed. McKee | 38 03 |
| 392114 | Guest, Sidney | 71.54 |
| 394515 | Graham, Lizzie | 249.76 |
| 417235 | Grunnagle, Anges | 416.74 |
| 418031 | Gilmore, John R. | 70.56 |
| 419088 | Griggs, Annitlia | 232.07 |
| 419117 | Grimes, Mary H. | 2,984.03 |
| 438409 | Genter, Erma M. | 419.70 |
| 439579 | Gorman, Bridget | 1,126.52 |
| 330700 | Guthrie, John B. | 850.27 |
| 333671 | Grabowski, Veronika | 26.77 |
| 335015 | Gibson, Wm. D. | 785 25 |
| 337790 | Goode, Robert B. | 682.39 |
| 344386 | Gardella, Bartolomes | 1,531.70 |
| 345081 | Glasman, Morris | 8,201.11 |
| 345496 | Ginniff, Maria G. | 894.46 |
| 355851 | Gerber, Anna W. | 2,591.67 |
| 409026 | Galvin Rose | 1,945.62 |
| 410802 | Gratton, Jas., Jr. | 3,088.79 |
| 421568 | Gorman, James M. | 122 28 |
| 422449 | Gruber, Elizabeth | 3,407 23 |
| 422629 | Giltenboth, Martha | 751 25 |
| 434528 | Glick, Jack D. | 125 70 |
| 98128 | Gramwell, Roland G. | 31 16 |
| 159010 | Griffiths, Emma J. | 92 40 |
| 163935 | Glenn, Joseph E. | 307 21 |
| 181444 | Gamble, Lillie B. | 6,997 56 |
| 223347 | Getty, James C. | 3,958 29 |
| 236680 | Gerling, Edna Ida | 1,113.02 |
| 238144 | Gauley, Lizzie M. | 43 10 |
| 249028 | Garrigan, Jos. E. | 25.70 |
| 254517 | Gault, Etta M. | 944 87 |
| 412336 | Goody, Leandor | 1,130.26 |
| 412538 | Graham, Bertha M. | 122.83 |
| 413401 | Glenn, William | 458.94 |
| 413577 | Gruber, Martina | 954 38 |
| 414350 | Gray, Mary | 2,280.40 |
| 414800 | Gluck, Samuel | 50.75 |
| 415064 | Grubbs, Dillie M. | 149.21 |
| 415915 | Graham, Elmer | 154.40 |
| 425891 | Greenwald, Lily B. | 126.34 |
| 425956 | Gibbs, Jane H. | 56.91 |
| 435256 | Goron, Katherine P. | 463.06 |
| 436700 | Georgi, George R. | 139.64 |
| 437239 | Gordon, Robert G. | 147.16 |
| 221600 | Geiss, Charles | 21.31 |
| 260473 | Gilfillan, Gertrude C. | 34.02 |
| 425714 | Griggs, Thomas N. | 45.84 |

H

| | | |
|---|---|---|
| 275912 | Harmon, Ruth E. | 36.35 |
| 276460 | Humphries, Ida M. | 2,035.24 |
| 286601 | Heasley, Eliza V | 478.77 |
| 307654 | Hermann, Wilhelmine | 84.73 |
| 313404 | Hirthey, Charles | 489.86 |
| 320653 | Hill, Magdalena | 62.69 |
| 323200 | Hess, Minnie F. | 254.97 |
| 326018 | Hickey, Jerome Jos. | 10,184.37 |
| 396681 | Hast, James | 1,625.70 |
| 397707 | Hodgson, Raymond W. | 24.67 |
| 397709 | Holland, Mary | 121.88 |
| 398201 | Hutchison, Mary E. | 23.09 |
| 398733 | Hultz, Anna M. | 384.26 |
| 398855 | Hathaway, Wilson S. | 73.09 |
| 400148 | Helfrich, Mary | 206 43 |
| 402943 | Hathaway, Anna | 1,475.72 |
| 403289 | Hodel, Chas. F. | 104.65 |
| 404481 | Hook, Elsie M. | 1,605 30 |
| 430677 | Hoffman, Edna L. | 62.83 |
| 430745 | Hanzelatt, Augusat | 144.29 |
| 431489 | Huehm, Cath. L. | 201.63 |
| 382576 | Hanlin, Grace M. | 737.72 |
| 384284 | Hlavsa, Annie | 1,591.78 |
| 386456 | Hughes, Helene | 24 52 |
| 387653 | Hebner, Ida | 1,799 92 |
| 389508 | Hogan, Emma D. | 614 97 |
| 390953 | Herlehy, Allan R. | 88.85 |
| 391658 | Harrison, Jane | 1,100 00 |
| 394192 | Hojnatska, Martha | 8,800.02 |
| 397219 | Hinker, Ernest | 5,393 15 |
| 417331 | Harper, Mary E. | 463.42 |
| 417905 | Haggerty, Mary | 383.14 |
| 418863 | Haidle, Olive | 43.89 |
| 419456 | Hylaud, James | 647.07 |
| 390377 | Haugh Michael S. | 25.75 |
| 328331 | Hammerschmitt, Laura M. | 305.85 |
| 330607 | Hassinger, Alfred L. | 213.75 |
| 331559 | Hassinger, Alice | 939.47 |
| 348003 | Hartley, J. Wilson | 120 13 |
| 348316 | Heyl, Bertha M. | 135 48 |
| 350438 | Higham, Bessie F. D., Exrx. | 400.96 |
| 351698 | Hutchinson, Ernest E. | 59.39 |
| 351899 | Hieber, Katherine C. | 3,418.12 |
| 354197 | Holland, Aime | 1,298 71 |
| 358413 | Hawthorne, Mabel E. | 2,749.30 |
| 358630 | Harper, Jessie M. | 400.91 |
| 405487 | Harrow, W. J. | 16 81 |
| 405633 | Helm, John T. | 84 87 |
| 408894 | Hager, George | 1,145.93 |
| 409289 | Hartley, Marcus L. | 121.45 |
| 409867 | Hallisey, Mary | 51.17 |
| 410477 | Hoffman, Tillie | 601 69 |
| 420088 | Turbanek, Kon E. | 535 78 |
| 431990 | Hatting, Harry G. | 5,649.41 |
| 432568 | Hofmauer, Frances M. | 283 66 |
| 433199 | Huckestein, Henry C. | 116 34 |
| 437697 | Howell, Elizabeth | 380 92 |
| 442345 | Haas, George P. | 1,124.54 |
| 446444 | Heinrich, Helen E. | 6,278 56 |
| 446701 | Herrick, Gladys F. | 213.19 |
| 82764 | Herron, Charles | 158 08 |
| 100252 | Hartley, Wilson | 153.26 |
| 110383 | Herron, Mary T. | 724 50 |
| 132929 | Hirsch, Carrie | 459 38 |
| 142127 | Haley, Mary | 12.62 |
| 145560 | Hamilton, Mary E. | 7,775.03 |
| 168558 | Hahn, Annie | 2,247 15 |
| 170927 | Hershberger, Edith K. | 373.93 |
| 183320 | Hughes, Anna A. | 2,677 57 |
| 184035 | Hunter, Sarah Jane | 640.26 |
| 190790 | Hoak, Warren H. | 42 26 |
| 215511 | Hazlett, Maggie M. | 1,865.65 |
| 248604 | Holloday, Charles H. | 658.32 |
| 251933 | Hagen, Ellen | 21.61 |
| 254782 | Hausmann, Lizzie | 9,933 78 |
| 256098 | Hough, Bert R. | 4,465.99 |
| 411031 | Heatley, William J. | 339 48 |
| 411985 | Haas, Anna | 1,058 01 |
| 415463 | Houseberg, John W. | 8,669 68 |
| 415866 | Hildebrand, Samuel E. | 455 08 |
| 423443 | Hawkins, Anna S. | 143.34 |
| 425589 | Hartman, Odessa J. | 315 87 |
| 423890 | Higgins, C. H. | 635.57 |
| 424095 | Heil, Simon J. | 88 93 |
| 424196 | Hutchison, Mary W. | 793 48 |
| 425332 | Hushan, Rebecca | 449.68 |
| 425518 | Heinlein, George J. | 2,568.23 |
| 425773 | Hunter, Genevieve M. | 161.51 |
| 433250 | Hoffman, Lillian K. | 3,371.94 |
| 436811 | Hofbauer, Teresa | 116.27 |
| 437298 | Harrison, Nicholas | 702.11 |
| 114232 | Hamilton, Louis H. | 184.10 |

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| 264418 | Hanselman, Jennie | 16.26 |
| 363518 | Hazlett, Maud M. | 34.23 |
| 365264 | Herron, Eugene | 88.94 |
| 369540 | Hester, James | 242.83 |
| 372142 | Hendrickson, Amanda | 14.93 |
| 373053 | Holmes, Grace Chess | 692.20 |
| 373397 | Hindman, Thompson F. | 101.67 |
| 374950 | Leidish, Bertha K. | 1,946.03 |
| 378687 | Hodel, Jeannette | 213.17 |
| 379964 | Hirschfield, Henry | 115.02 |
| 380811 | Holman, Evelyn E. | 117.06 |
| 427060 | Hunter, Alexander H. | 315.24 |
| 427216 | Herwick, Marg't J. | 31.03 |
| 427222 | Hill, Aaron M. | 9,983.94 |
| 427917 | Hutchison, Liola K. | 1,012.53 |
| 428991 | Hurley, Geo. F. | 81.27 |
| 449411 | Hartner, Jane | 217.22 |
| 449553 | Hazley, Albert F. | 155.50 |

I

| | | |
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| 404922 | Ivan, Geo. | 968.86 |
| 376151 | Irwin, Mary A. | 2,710.91 |

J

| | | |
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| 279697 | Johnson, Artcher A. | 595.62 |
| 310355 | Jones, Sadie F. | 1,304.97 |
| 396791 | James, Eliz. | 1,255.93 |
| 398277 | Junge, Sadie S. | 251.56 |
| 400590 | Joyce, Stephen | 1,900.65 |
| 403524 | Joyce, Mary | 32.61 |
| 291057 | Jackson, John W. | 40.27 |
| 344058 | Johnston, Edwin F. | 44.07 |
| 408914 | Jones, Philip | 5,494.70 |
| 420385 | Joyce, Martin | 188.39 |
| 420859 | Joyce, Annie C. | 63.05 |
| 421321 | Jackson, Bettie M. | 5,632.66 |
| 423196 | Jackson, Anna M. | 110.97 |
| 170805 | Jellison, Alice B. | 1,426.96 |
| 231793 | Jaffe, Bertha | 2,509.42 |
| 239429 | Jones, Retta H. | 1,792.64 |
| 423895 | Jones, Olive H. | 383.51 |
| 435171 | Jones, Love | 265.25 |
| 435452 | Jenkins, Grace F. | 109.86 |
| 437115 | Joyce, Margaret | 178.07 |
| 367949 | Jones, Nannie J. | 14.69 |
| 371962 | Johnson, La Forest | 215.39 |
| 371991 | James, Hallie L. | 128.72 |
| 380108 | Jones, Eliz., Admrx. C. T. A. | 1,095.48 |
| 382656 | Joyce, Margaret | 305.08 |
| 387984 | Jones, Hannah E. | 296.56 |
| 390263 | Jones, Isabella A. | 164.62 |
| 391159 | Jennings, Charles W. | 781.92 |
| 394071 | Jones, Richard | 66.62 |
| 394350 | Jarratte, Myrtle | 43.17 |
| 416176 | Jones, Floy C., Jr. | 73.55 |

K

| | | |
|---|---|---|
| 282631 | Kleppner, Regina | 269.78 |
| 291117 | Kearney, Bridget | 525.44 |
| 298632 | Krimer, Morris | 2,081.41 |
| 301518 | Kline, Clara B. | 1,264.37 |
| 308532 | Kessler, Marg't | 5,058.18 |
| 313541 | Kalchthaler, Mathilda | 177.77 |
| 322238 | King, Michael | 198.27 |
| 321255 | Keenan, Mary A. | 330.79 |
| 321674 | Konstanzer, Mary A. | 248.18 |
| 324428 | Kubecker, Mary | 305.74 |
| 398704 | Kopp, Margt. | 4,060.99 |
| 399646 | Klein, Hanna D. | 375.97 |
| 400124 | Kelly, Mary A. | 92.53 |
| 402711 | Kreps, Ida B. | 546.73 |
| 430973 | Kile, Marjorie C. | 60.01 |
| 431248 | Kolesar, Mary | 2,934.81 |
| 442373 | Kier, Mary M. | 1,093.47 |
| 429474 | Krey, Charles B. | 2,947.03 |
| 431123 | Kalbach, Chas. J. | 138.96 |
| 384428 | Korger, Anna | 343.92 |
| 387453 | Kohn, Beatrice | 167.2 |
| 389177 | Kirby, Catherine M. A. | 2,330.43 |
| 394280 | Kelley, William N. | 1,223.24 |
| 417347 | Knapp, Edith M. | 139.17 |
| 417447 | Keil, Robt. H., Extr. | 749.73 |
| 438120 | Konkle, Paul A. | 446.43 |
| 439640 | Kier, Mary M. | 601.53 |
| 440167 | Kiefer, Charles F. | 175.07 |
| 389886 | Kelly, Catherine M. V. | 56.99 |
| 362113 | Keller, John C. | 105.72 |
| 367915 | Kaylor, John J. | 14.73 |
| 371328 | Keller John C. | 129.70 |
| 377500 | Kiefer, Charles R. | 76.16 |
| 426292 | Karla, Julie | 112.53 |
| 427132 | Keaney, Nora | 1,176.89 |
| 427349 | Kalua, Mary | 3,543.79 |
| 428576 | Kenyon Elsie H. | 235.55 |
| 134238 | Kountz, Jos. L. | 657.42 |
| 159030 | Krider, Conrad | 245.54 |
| 194970 | Kennedy, Anna B. | 24.90 |
| 195070 | Kilpatrick, Mabel | 81.92 |
| 215190 | Kane, Maggie | 1,920.95 |
| 235468 | Kaplan, Joseph A. | 91.95 |
| 256182 | Kilchenstein, Ed | 876.83 |
| 262724 | Kenna, Edward J. | 18.37 |
| 267798 | Keller, Alfred | 175.23 |
| 411251 | Kalberer, Adolph G. | 287.76 |
| 411690 | King, Maggie S. | 4,276.58 |
| 415114 | Kunze, J. Frederick | 89.41 |
| 415295 | Kozak, Frank | 199.75 |
| 425152 | Kearns, Anna | 1,167.27 |
| 425419 | Krebs, Anna J. | 1,853.61 |
| 425522 | Kirtley, Mary E. | 532.00 |
| 425618 | Kohl, Bertha | 63.09 |
| 435050 | Krache, Mary | 2,394.47 |
| 436356 | Kelly, James J. | 72.07 |
| 328483 | Kennedy, Francis T. | 702.78 |
| 356284 | Kimes Arthur W. | 772.12 |
| 343523 | Kier, Mary M. | 126.77 |
| 351237 | Kennedy, Eliz. R. | 10,673.22 |
| 351577 | Kerr, Clyde C. | 264.11 |
| 358802 | Kastner, Frank J. | 1,309.94 |
| 405109 | Knightly, Catherine | 346.16 |
| 407552 | Kascak, Mary | 217.70 |
| 408659 | Kaplan, Joseph | 1,701.96 |
| 409071 | Kearns, Mary J. | 171.56 |
| 409441 | Kuhns, Thomas R. | 39.56 |
| 409790 | Kranek, Elizabeth | 147.51 |
| 420224 | Kreines, Moses S. | 2,556.28 |
| 421998 | Kutschbach, Chas. B. | 645.15 |
| 422093 | King, Maggie S. | 3,068.73 |
| 422343 | Klingensmith, Alberta L. | 31.02 |
| 432274 | Kay, Elizabeth | 87.40 |
| 432759 | Keitz, Theodore L. | 172.40 |
| 433441 | Kennevan, Clara M. | 35.17 |
| 434621 | Kerr, Edna M. | 848.65 |
| 32[illegible] | Kasper, Jos. F. | 13.97 |

L

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| 273621 | Lee, Anna A. | 23.37 |
| 287812 | Loughman, Mary L. | 1,627.45 |
| 286017 | Liebschner, Amelia | 906.71 |
| 287256 | Lanahan, Jos. A. | 159.32 |
| 296058 | Lynn, Annie | 3,440.02 |
| 296830 | Lowers, Matilda | 109.32 |
| 298240 | Lott, Geo. E. | 469.36 |
| 299548 | Leisser, Martin B. | 13,195.04 |
| 308689 | Lamberton, Jno. H. | 6,582.04 |
| 322473 | Leahy, Jos. M. | 295.78 |
| 324475 | Lackey, Leola E. | 57.10 |
| 396697 | Levine, Ray L. | 79.02 |
| 396613 | Lisifka, John | 1,181.68 |
| 398036 | Lynch, Francis J. | 2,070.37 |
| 396845 | Ludwick, R. N. and D. E., Extrs. | 801.44 |
| 404453 | Lloyd, Marg't McC. | 205.90 |
| 404560 | Lang, Frieda S. | 391.16 |
| 404791 | Leger Daniel, Jr. | 1,392.76 |
| 430673 | Lunz, Michael | 180.86 |
| 431177 | Lehere, Henry | 1,319.96 |
| [illegible]1930 | Lefkofsky, Lillian C. | 55.47 |
| 440854 | Laubin, Mary | 1,321.28 |
| 403433 | Lang, Sarah | 26.27 |
| 430373 | Lunz, Michael | 180.86 |
| 384380 | Logue, Boardley A. | 424.98 |
| 386683 | Lutz, M. Catherine | 77.35 |
| 388117 | Ley, Flora | 147.98 |
| 390794 | Lowmiller, Anna P. | 86.32 |
| 392446 | Lentz, Catherine M. | 1,473.13 |
| 392954 | Lendl, Anna | 2,987.95 |
| 439743 | Laughran, Mary M. | 2,781.70 |
| 359020 | Leslie, Rachel De H. | 3,292.42 |
| 363971 | Lange, Minnie | 47.42 |
| 370228 | Lewis, Annie | 18.82 |
| 370349 | Lovett, Mary E. | 650.04 |
| 370663 | Lee, Ivy M. | 299.09 |
| 370859 | Laurent, Louise K. | 82.43 |
| 426952 | Leen, Michael A | 4,509.68 |
| 335352 | LaFianza, Giovanni | 4,794.60 |
| 340992 | Lowers Matilda | 2,508.65 |
| 341596 | Lewis, Wilhelmina | 1,149.92 |
| 341961 | Lott, Elizabeth J | 561.95 |
| 349169 | Lyons, Catherine F. | 121.35 |
| 351595 | Littman, Bessie | 80.02 |
| 354454 | Lees, Matthew | 164.92 |
| 357162 | Lewis, Jessamine D. | 36.90 |
| 358809 | Livingston, John | 137.43 |
| 409930 | Lowery, Mary B | 3,386.40 |
| 410420 | Leventon, Morris | 547.85 |
| 410646 | Leonberg, Henry | 448.59 |
| 432880 | Linhart, Sam'l B. | 114.54 |
| 433713 | Lynch, John J. | 4,995.03 |
| 434031 | Linn, Lella L. | [illegible] |
| 104302 | Lanahan, Frank J. | 151.24 |
| 106781 | Lawson, Viola C. | 169.37 |
| 210571 | Lindsay, Andrew T. | 7,688.41 |
| 222604 | Linnekin, Carrie V. | 4,006.80 |
| 247877 | Lackey, S. J. | 30.41 |
| 264576 | Loughrey, John E. | 133.45 |
| 264958 | Luther, Lizzie | 238.72 |
| 411798 | Ley, Mary | 87.50 |
| 411884 | Legros, Henry, Jr. | 1,161.79 |
| 413063 | Ludin, Fred H. | 122.76 |
| 413249 | Lamb Alice O. | 104.13 |
| 414663 | Lynn, Clair A. | 335.15 |
| 415158 | Liebschner, William A. | 1,080.06 |
| 415276 | Luke, Josephine W. | 558.28 |
| 422654 | Lefkofsky Ike | 13,411.25 |
| 422676 | Laughlin, Lulu | 757.97 |
| 425970 | Litman, Rose E. | 112.13 |
| 426869 | Lanehlin Regina B. | 1,122.91 |
| 436727 | Luttinger, William | 5,254.50 |
| 436728 | Leuttinger, Phillip J. | 207.08 |

M

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| 273138 | Montague, Peter | 636.52 |
| 281576 | Martin, Hannarah | 2.471.94 |
| 289598 | Murdock, Wm. P. | 167.18 |
| 291049 | Montgomery, Annie D. | 380.44 |
| 291732 | Morgan, Jennie | 142.11 |
| 302934 | Maughan, Mary E. | 434.07 |
| 311164 | Moore, Kath. R. | 1.159.85 |
| 311946 | Metzger, Susie E. | 279.59 |
| 318268 | Mueller, Anna M. | 69.29 |
| 318870 | Mitchell, Geo. H. | 45.10 |
| 396742 | Mohr, Marg't Shaw | 3.573.09 |
| 398558 | May, Eliz. G. | 2.032.76 |
| 398720 | Millar, Marg't L. | 6.993.35 |
| 398880 | Meyer, Louis R. | 453.18 |
| 401236 | Murphy, Elma E. | 41.13 |
| 401835 | Murray, Jas. D., Jr. | 250.90 |
| 404775 | Mabon, Anna V. | 485.43 |
| 429110 | Moore, Robt. D. | 79.58 |
| 430013 | Murphy, Arthur I. | 157.52 |
| 430797 | Milligan, Isabell | 499.43 |
| 431771 | Metzger, Susie E. | 99.77 |
| 442932 | Millford, Marie | 151.14 |
| 270383 | Moss, Mary A. | 70.54 |
| 312780 | Mayo, Rachel A. | 40.67 |
| 321100 | Mercer, Marjorie B. | 24.43 |
| 382500 | Magnani, Lina | 1.089.94 |
| 385372 | Miller, Jacob | 4.345.90 |
| 385518 | Mayrhofer, Marie | 1.129.19 |
| 390462 | Menn, M. Irene | 124.04 |
| 391015 | Miller, Margaret T. | 108.35 |
| 392337 | Moury, Sophia L. | 676.48 |
| 393023 | Malloy, Della | 142.76 |
| 393306 | Marshall, Lillian L. | 102.83 |
| 394228 | Myers, Angeline L. | 1.520.24 |
| 418198 | Myers, M. Jane | 118.63 |
| 418287 | Majchrzack, Anna | 1.759.34 |
| 419171 | Master, Wm. M. | 137.29 |
| 419376 | Morosky, Rita | 28.76 |
| 419763 | Marshall, Robt. J. | 39.12 |
| 416316 | Mills, Walton | 27.61 |
| 330286 | Moore, Mary J. | 49.33 |
| 331114 | Morgan, Sarah D. | 59.76 |
| 333843 | Madia, Gaetano | 610.40 |
| 334991 | Mockus, Frank | 70.72 |
| 340197 | Mitchell, Rachel | 191.85 |
| 341490 | Moorhouse, Alfred | 1.449.83 |
| 342116 | Mezewitz, Mertha | 1.715.19 |
| 342733 | Moretsky, Alex | 1.433.39 |
| 343913 | Martin, Charles E. | 119.50 |
| 354701 | Mandelbaum, Louis | 271.16 |
| 407087 | Miller, Chas. R. | 588.92 |
| 407386 | Meekin, Beatrice I. M. | 128.23 |
| 410915 | Milton, William H. | 61.37 |
| 420344 | Mackin, Paul D. | 60.65 |
| 426347 | Mitchell, Leonard W. | 6.374.93 |
| 429481 | Mullen, Hilda F. | 81.16 |
| 432999 | Morgan, Sarah M. | 1.068.89 |
| 433262 | Miller, Andrew J. | 1.050.65 |
| 433615 | Maue, Stella | 73.76 |
| 433759 | Maines, Helen R. | 35.03 |
| 434204 | Marshall, Robt. A. | 174.89 |
| 434589 | Marshall, Thos. H. | 296.71 |
| 360091 | Moran, Della | 148.94 |
| 361197 | Mullen, Mary E. | 901.25 |
| 363282 | Morrow, Sara R. | 313.29 |
| 363834 | Moore, Clyde J. | 309.67 |
| 367576 | Merry, Sarah | 406.47 |
| 367778 | Maloy, Ida | 48.86 |
| 369281 | Matthews, Geo. R. Extr. | 47.08 |
| 369648 | Munk, Emma | 1.381.92 |
| 369649 | Munk, Lottie | 1.389.53 |
| 369824 | Munk, Anna | 783.42 |
| 373113 | Merrill, Ralph K. | 93.94 |
| 373121 | Maury, Clara C. | 96.39 |
| 373198 | Myers, Myrtle B. | 4.228.96 |
| 375146 | Mackin, John T. | 86.26 |
| 376570 | Martin, Cora L. | 141.58 |
| 377980 | Mitchell, Geo. H. | 85.79 |
| 426383 | Moore, Lydie J. | 154.25 |
| 426993 | Miller, Alta G. | 95.84 |
| 427639 | Miller, Edith A. | 313.61 |
| 428101 | Marlin, Herbert D. | 364.36 |
| 428134 | Morcroft, Ralph A. | 174.77 |
| 131490 | Metzler, Katie | 529.96 |
| 127199 | Manus, Sue | 76.03 |
| 179377 | Macon, J. Conway | 66.32 |
| 200816 | Marshall, George T. | 20.03 |
| 202830 | Monaghan, Bridget | 123.84 |
| 213192 | Morgan, Albert | 5.744.85 |
| 224925 | Murphy, Jerry | 1.989.84 |
| 227767 | Minsky, Esther | 86.78 |
| 229542 | Miller, Sadie | 91.56 |
| 245353 | Martin, Bridget J. | 185.59 |
| 251634 | Morrow, Bridget J. | 2.787.62 |
| 252214 | Meadwell, Ellen | 2.935.12 |
| 256292 | Mackin, John, Jr. | 79.10 |
| 259445 | Malloy, Nora | 1.442.33 |
| 262102 | Muth, Caroline S. | 6.505.00 |
| 411675 | Manning, Julia H. | 153.78 |
| 412449 | Markowitz, Charles | 60.03 |
| 415185 | Merz, Kathleen | 118.43 |
| 425641 | Maloney, Imogene | 247.92 |
| 425962 | Matthews, Della | 914.37 |
| 150133 | Mannion, John | 399.10 |
| 172222 | Maude, De Ette | 199.94 |
| 436302 | MacMurray, Edith B. | 142.37 |
| 436881 | MacKellar, Agnes H. | 110.79 |

Mc

| | | |
|---|---|---|
| 268870 | McKavney, John R. Extr. | 261.96 |
| 317114 | McQuillen, Clara | 2,938.38 |
| 318003 | McCutcheon, Cath. | 3,205.83 |
| 327381 | McGuire, Bryan | 480.84 |
| 402146 | McGrath, Martin | 4,142.55 |
| 404907 | McCreary, J. L. | 86.30 |
| 431531 | McCormick, Kath. C. | 1,250.04 |
| 431947 | McGettigan, Minnie M. | 236.19 |
| 448318 | McCutcheon, Bell T. | 2,634.08 |
| 402154 | McCorkle, Grace R. | 25.09 |
| 383514 | McMillan, Alice F. | 35.33 |
| 383926 | McGill, David F., Admr. | 664.01 |
| 386283 | McDonnell, Mary | 168.39 |
| 386569 | McDonald, Isabel J. | 244.02 |
| 388030 | McCue, Mary M. | 1,707.29 |
| 417233 | McCann, Winifred | 109.56 |
| 417239 | McCann, Martin | 322.51 |
| 440426 | McDermott, Mary | 253.12 |
| 364329 | McCosker, Elizabeth | 66.96 |
| 367308 | McDavid, Matilda | 1,434.56 |
| 368336 | McEwen, Mary Anna | 184.19 |
| 369192 | McMahon, Thomas C. | 89.63 |
| 376708 | McCoy, Wm. M. | 1,320.20 |
| 371199 | McKinney, Emily M., Gdn. | 2,321.21 |
| 372345 | McGuire, Susan | 44.51 |
| 379378 | McClelland, Elwood H. | 29.63 |
| 379876 | McGinley, Margaret | 907.87 |
| 389330 | McCracken, Ray O. | 662.20 |
| 426114 | McIntyre, Jennie | 179.99 |
| 352269 | McCurdy, Wilbur E. | 248.69 |
| 334104 | McNeal, Maggie | 241.56 |
| 340692 | McWilliams, Francis S. | 535.42 |
| 341455 | McGuire, Patrick | 1,802.06 |
| 345695 | McGill, David F. Exr. | 501.88 |
| 346137 | McClintock, Harriet E. | 198.75 |
| 346644 | McConville, James | 15.52 |
| 347654 | McKissock, Jessie A. | 849.49 |
| 353739 | McGovern, Blanche F. | 268.59 |
| 403287 | McCord, Clara J. | 2,724.49 |
| 409086 | McGee, James R. | 199.80 |
| 435123 | McCutcheon, Laura | 302.92 |
| 435366 | McNamee, William | 1,565.26 |
| 329783 | McMurray, Levi A. | 14.11 |
| 125638 | McAllister, Sarah A. | 346.45 |
| 132388 | McRoberts, Martha M. | 572.23 |
| 151934 | McNair, Sara B. | 571.99 |
| 196154 | McCall, Clinton W., | 141.76 |
| 235575 | McGlenn, Alma R. | 500.78 |
| 240596 | McClure, Eleanor | 154.61 |
| 411112 | McCardell, Hortense B. | 60.18 |
| 411302 | McCollough, Ray R. | 117.46 |
| 413424 | McNally, Anna M. | 50.43 |
| 417838 | McClelland, Joan | 1,808.90 |
| 415712 | McHenry, Margaret | 282.97 |
| 425447 | McCormich, Frank R. | 183.89 |
| 435178 | McCutcheon, Elizabeth | 115.98 |
| 436845 | McNeal, Catherine | 145.95 |
| 437511 | McKenna, Edward F. | 1,622.68 |
| 437613 | McCartney, Nathaniel H. | 853.23 |
| 214575 | McQuaide, Joseph R. | 24.82 |

N

| | | |
|---|---|---|
| 301193 | Newhart, Ella E. | 271.25 |
| 326662 | Nusser, Bertha | 231.52 |
| 426942 | Nelson, Elizabeth L. | 86.84 |
| 431096 | Neely, Margaret C. | 1,469.31 |
| 405913 | Newbrand, Jennie H. | 226.84 |
| 420931 | Neely, J. Emmett | 105.50 |
| 432545 | Neuschwander, Jno. A. | 554.74 |
| 373558 | Nicholson, Clarine | 454.70 |
| 428296 | Newhams, Thos. T. | 1,333.03 |
| 360448 | Naughton, Katherine | 414.40 |
| 390672 | Neamon, Rose | 578.93 |
| 391532 | Neff, Annie | 150.29 |
| 416711 | Nihill, Elizabeth | 415.74 |
| 438368 | Neely, John H. | 105.06 |
| 154449 | Neely, Rose A. | 563.36 |
| 212949 | Nickel, Emma C. | 126.44 |
| 412553 | Newark, John W. | 1,471.85 |
| 413051 | Nelson, John O. | 543.46 |
| 415554 | Newhouse, Fred G. | 3,300.15 |
| 422856 | Neuner, Harry, Exr. | 166.17 |
| 436495 | Nawrocki, Stella | 105.65 |
| 76309 | Neale, James B., Jr. | 194.53 |
| 412820 | Nelson, John R. | 37.74 |

O

| | | |
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| 277536 | O'Connor, Mary A. | 248.93 |
| 298540 | O'Malley, Jno. T. | 633.54 |
| 289940 | Ogden, Mary | 1,076.62 |
| 319377 | Ottstott, Anna L. | 1,950.60 |
| 327817 | O'Flaherty, Kate | 3,184.05 |
| 392960 | O'Reilly, Kathleen C. | 2,117.75 |
| 431535 | Overdorff, M. C. or D. | 4,452.58 |
| 448482 | Orosz, John | 105.49 |
| 403834 | Obelor, Ethel M. | 36.67 |
| 361860 | O'Donnell, James F. | 58.98 |
| 366110 | Osburn, Nora B. | 234.34 |
| 244055 | Owens, Peter L. | 3,321.62 |
| 423400 | O'Brien, Lecetta | 63.33 |
| 334667 | Osborne, Sarah M. | 157.13 |
| 349342 | O'Toole, Louise | 1,468.78 |

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| 356873 | O'Donnell, Sara | 84 40 |
| [illegible]7325 | O'Toole, Louisa | 1,352.29 |
| 410339 | Overman, Pearl E. | 21.75 |
| 420187 | O'Donnell, Bridget | 104.91 |
| 434391 | O'Toole, Della | 217.79 |
| 389131 | Ott, Mabel | 15 52 |
| 385620 | O'Neil, Patrick | 2.830.95 |
| [illegible]7 | Osthoff, Minnie | 142.22 |
| 389132 | Ott, Elizabeth M. | 1,223.63 |
| 390761 | O'Leary, Dennis P. | 203.31 |
| 393386 | Orr, Elbirda L. | 4,325 66 |
| 394781 | O'Donnell, Lawrence J. | 44 14 |
| 417392 | Orsi, Luigi | 924.43 |
| 418991 | Ober, Marie | 412 06 |
| 439438 | Oslasky, Sophia | 1,199 21 |
| | P | |
| 273435 | Patterson, Lena E. | 621.60 |
| 283749 | Parker, Alice | 3.368.12 |
| 311979 | Poore, Pearl M. | 53 57 |
| 313900 | Penwell, Wm. D. | 399 22 |
| 397031 | Pfannkuch, Fred C. | 121.07 |
| 399182 | Peetz, Emma E. | 2.422.71 |
| 400561 | Pasley, Sallie B. | 1,121.72 |
| 400971 | Page, Mary H. | 249.14 |
| 400993 | Pecinkas, Jonas | 92 66 |
| 401615 | Palmer, Emma | 787 31 |
| 404664 | Perritt, Eleanor H. | 2,588.09 |
| 430107 | Parker, Geo. W. | 1,912 97 |
| 430692 | Patterson, Jno. M. | 2,008.06 |
| 431668 | Pfeiffer, Lena | 1,196.41 |
| 338198 | Powers, Frank I | 645 87 |
| 340326 | Patterson, May H. | 621 48 |
| 345651 | Pahlman, Ida | 233 88 |
| 347604 | Ponton, Sam | 26 82 |
| 347990 | Paulson, Willa J. | 1,757.41 |
| 352289 | Pfabe, Andrew J. | 8.131.40 |
| 406244 | Picard, Alphonse M. | 634 83 |
| 407050 | Pecinkas, Tadausz | 1,077 34 |
| 407225 | Paulikonis, Paul | 110 39 |
| 408949 | Petvini, Marya | 1,399.51 |
| 420913 | Pixley, Kate | 232 44 |
| 432112 | Pyanowski, Wladislaw | 749 33 |
| 433824 | Pincus, Max | 115 50 |
| 444988 | Price, Charles W. | 969.59 |
| 353279 | Pabst, Mary E. | 45 69 |
| 359038 | Pemberton, Anna B. | 58 17 |
| 359746 | Price, Katherine | 403.72 |
| 360565 | Powers, Richard C. | 58 14 |
| 362294 | Phelps, Hilda | 499 38 |
| 367256 | Pichel, Carrie | 1,915 17 |
| 371204 | Peffer, John M. | 3.724 24 |
| 376749 | Powell, Wm., Sr. | 465 99 |
| 377208 | Patterson, Albert H. | 68 34 |
| 381566 | Potter, Minnie | 177 23 |
| 382725 | Piasecki, Lena | 667.46 |
| 388887 | Potter Marie W. | 1.206 54 |
| 416079 | Popp, Clara L. | 260 82 |
| 416490 | Petookas, John | 2.271.13 |
| 418907 | Pasky, Clem | 332.61 |
| 924.9 | Pichel, Carrie | 23.808 52 |
| 104786 | Perry, Dora | 6.667.44 |
| 206929 | Payne, Minnie | 2.328.49 |
| 246853 | Powers, Elizabeth | 19 18 |
| 265158 | Phillips, Elizabeth I. | 159 99 |
| 414091 | Pirschl, Diana M. | 7.434 38 |
| 433453 | Paley, Bessie R. | 383 13 |
| 425871 | Pearson, Grace D. | 59 82 |
| 437238 | Perunko, Helen | 177 34 |
| 149147 | Patterson, Frank | 5.126.66 |
| 228934 | Prager, Essie M. | 40 34 |
| 230970 | Pearce, Tillie | 46 29 |
| 414985 | Pettit, Albert W. | 26 35 |
| | Q | |
| 388259 | Quinn, Pierce J. | 19 87 |
| | R | |
| 281796 | Riggs, E. H. | 90 48 |
| 287414 | Reeds, Wm. J. | 1.016 95 |
| 294859 | Rhine, Mary C. | 70.07 |
| 295750 | Rohan, Ellen | 1.434 53 |
| 397407 | Rasp, Margt. C. | 57 95 |
| 400763 | Renton, Geo., Jr. | 72 43 |
| 442494 | Rickert, Frank | 54[illegible] 37 |
| 401201 | Rickley, Rose S. | 226 21 |
| 365437 | Raskauskas, Margt. A. | 26 58 |
| 373758 | Reilly John | 223 28 |
| 379333 | Rosenberger, Walburga | 123 43 |
| 380625 | Rowse, Jos. S. | 299 00 |
| 426195 | Rogers, John E. | 49 73 |
| 426529 | Rose, J. Bernd | 120 23 |
| 427501 | Ricketson, John H. III | 687 19 |
| 335300 | Russell, Josephine | 216 24 |
| 346299 | Rote, Simon E. | 90[illegible] 77 |
| 349072 | Robertson, Alice M. | 16 37 |
| 355002 | Rittmann Floyd L. | 37 07 |
| 405558 | Rippl, Elsie | 1.210 61 |
| 406854 | Rak, Peter | 80[illegible] 85 |
| 409202 | Rhall, Mary | 5[illegible] 61 |
| 421075 | Rigg, Mark A. | 139 71 |
| 422798 | Rubinstein, M. A. | 38 67 |
| 433902 | Roos, Bernice E. L. | 76 28 |
| 433923 | Rehorst, Caroline | 1.816 35 |
| 443364 | Richardson, Rosamond F. | 5.427 27 |
| 406164 | Robb, Esther E. | 16 09 |
| 383597 | Ritchey S. Elizabeth | 134 83 |
| 386788 | Rosenberger, Constantine | 49.58 |
| 388578 | Richards, William | 772.04 |
| 390229 | Rickley, Rose S. | 180 19 |
| 391845 | Renfon, George, Jr. | 108 46 |
| 392423 | Rust, Amelia W L. | 92 11 |
| 392623 | Rasp, William A. | 2,374 10 |
| 385857 | Rotstein, Esther | 533.22 |
| 418964 | Rebetak, Eva | 1,155.75 |
| 439113 | Roney, Katherine M. | 2,109 44 |
| 439567 | Richards, Sadie E. | 225.26 |
| 64554 | Royce, Chas. N. | 26 37 |
| 123774 | Robinson, Kate W. | 5.655 21 |
| 144249 | Rees, Elizabeth E. | 926.87 |
| 194962 | Redmond, Ellen | 1,494.04 |
| 249555 | Reed, Alice B. | 162.24 |
| 412316 | Russell, Charles F. | 6,367.28 |
| 412843 | Rosenberg, Sam | 209 43 |
| 413187 | Rigan, Mary | 3,339 48 |
| 414320 | Reed, Margaret A. | 361 88 |
| 415818 | Rossman, Rena | 125 94 |
| 423040 | Rockman, Adolph | 426.54 |
| 423690 | Rivat, Antoine | 707 40 |
| 423999 | Radzawicz, Catherine | 2,318 94 |
| 425719 | Ripp, Abraham | 786 02 |
| 425936 | Rohrman, John A. | 99.70 |
| 243954 | Randolph, Hattie | 32.14 |
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| 279728 | Sorg, Laura | 3,748.82 |
| 286246 | Silliman, Marie A. | 1,469.22 |
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| 306743 | Schnaufer, Edward | 2,256 24 |
| 309620 | Schlagel, Mildred | 184 13 |
| 311058 | Sutter, Geo. E. | 231 61 |
| 312612 | Spielmeyer, Nicholas A. | 369 36 |
| 317552 | Smyers, Tillie McC. | 55 21 |
| 326175 | Sanders Esther E. | 612 03 |
| 397794 | Seiger, Sarah | 5.366.09 |
| [illegible]045 | Simon Belle | 3.853.27 |
| 398077 | Sneathen, Jno. B. | 33.92 |
| 398226 | Seibert, Andrew R. | 794.68 |
| 398708 | Stewart, Essie S | 4,482 24 |
| 399291 | Sullivan, Nellie | 166 51 |
| 400576 | Schoonover, Maggie | 5.803 52 |
| 402095 | Sauers, Geo., Jr. | 35 07 |
| 402897 | Smith, Mary G. | 276.12 |
| 403124 | Sloan, Thos A. | 114.66 |
| 403778 | Sugarmann, Marie | 117 08 |
| 404122 | Smith, Lillie M | 170.77 |
| 430280 | Stadtfeld, Abraham | 60 36 |
| 430342 | Silberblatt, Rose | 54 29 |
| 430414 | Sample, W. E. or Jos. N. | 1,417 97 |
| 430445 | Strachan, Jane A. | 1,779.27 |
| [illegible]0776 | Seubert, Marcella M. | 134 73 |
| 431736 | Sopko, Frank | 389 15 |
| 310659 | Steel, John B. | 15.23 |
| 312213 | Stanton, John P. | 1,434 26 |
| 399373 | Schlagel, Mildred H. | 426 6[illegible] |
| 429666 | Stadler, Wm. J. | 110.51 |
| 359853 | Spence, L. Isabel | 60 34 |
| 360084 | Stamm, Helen E. | 510 33 |
| 361376 | Sparviero, Caroline | 246 92 |
| 363209 | Sentle, Emma | 2.736.13 |
| 363988 | [illegible]eney Abi | 71.27 |
| 364837 | Seip, Adela M. | 1,029 07 |
| 365262 | Shoemaker, Anna M. | 668 54 |
| 366771 | Schoener Bessie W. | 2.447.33 |
| 371552 | Schilling, Rosalia P. | 258.15 |
| 373619 | Simkunas, Zuozopos | 52 48 |
| 375669 | Smith W. Allen | 224 78 |
| 375767 | Stine, Jane B. | 366 6[illegible] |
| 375852 | Shook Irene | 86 6[illegible] |
| 376177 | Starr, Albert F. | 13 2[illegible] |
| 377337 | Smith, S. Adelaide | 164 7[illegible] |
| 377860 | Smith, Alfred F. | 28 83 |
| 380166 | Smith, Mary E. | 1,131 39 |
| 380531 | Shoenberger, Mary | 345 92 |
| 426611 | Simpson, Eliz N. | 227 36 |
| 426620 | Sullivan, Miriam E. | 55 48 |
| 426987 | Schmitz, Wm H. | 66.74 |
| 427000 | Schlegel, Edna E. | 1,037.92 |
| 427743 | Spithaler, Ella | 615 26 |
| 427752 | Schafer, L. Pearl | 123 89 |
| 427940 | Smith, Mary J. | 334 45 |
| 428039 | Steitz, Wm N | 50 08 |
| 428172 | Sefton Ross K. | 178 29 |
| 427407 | Sledz Elsie M. | 393 55 |
| 329895 | Simesik Annie | 2.722.77 |
| 330961 | Schmitt, Kathrin | 23 31 |
| 332040 | Shiels, Eileen | 4.855 53 |
| 334356 | Szimanski, Kazymierz | 880 66 |
| 334720 | Stewart, Anna D. | 40 62 |
| 336153 | Sterling, Margaret | 337 07 |
| 339372 | Schmitt Frances | 306 44 |
| 342036 | Sutliff, Josephine E. | 2.037 62 |
| 343181 | Sperry Arthur B. | 69 29 |
| 343515 | Siebert, Henrietta Exrx. | 1.943 60 |
| 347325 | Snyder May | 80 43 |
| 350596 | Seel, Edward M. | 2.838 50 |
| 351175 | Sussman, Walter | 37 18 |
| 354904 | Stephens, Hannah E. | 812 35 |
| 355525 | Sotter, George W. | 1.985 28 |
| 355903 | Schaefer Henry H. | 282.27 |
| 357169 | Sekerka, Martin | 437 74 |
| 357637 | Soisson, Archibald E. | 18 92 |
| [illegible]5294 | Schlee Ida | 124 10 |
| 405947 | Smith, Florence | 97 63 |

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| 406137 | Stern, Joseph | 189.34 |
| 406732 | Seperka, Elizabeth | 5,972.69 |
| 406832 | Schade, Jacob J. | 367.69 |
| 406843 | Simpson, Raymond W. | 40.14 |
| 407317 | Stover, Gillow | 1,646.43 |
| 407650 | Stewart, Clement M. | 4,299.08 |
| 407773 | Schuette, Barbara | 124.05 |
| 407895 | Schwalm, Bridget | 171.60 |
| 408525 | Snee, Jean | 15.82 |
| 408683 | Stiltz, Eva L. | 595.71 |
| 408787 | Sill, Sarah | 331.51 |
| 410285 | Straube, Freda | 93.34 |
| 410955 | Schroedel, Edith F. | 64.26 |
| 420287 | Schwarz, Rudolph W. | 1,155.37 |
| 421184 | Sybert, Clarence E. | 106.03 |
| 421863 | Smith, Euretta L. | 96.61 |
| 421876 | Schrott, Alice | 1,336.10 |
| 422041 | Lwelbar, Agnes | 188.66 |
| 422106 | Socher, John C. | 2,993.73 |
| 422748 | Scanlon, Rachel I. | 241.28 |
| 444337 | Slifkin, Ray | 426.71 |
| 443090 | Simon, Frank | 430.99 |
| 53637 | Schussler, Ludwika | 1,193 57 |
| 54913 | Schaming, Rosina | 9,711 24 |
| 87631 | Smith, Sophie | 248 82 |
| 95565 | Schrader, Florence | 141 96 |
| 107010 | Shrum, John W. | 21.66 |
| 126640 | Smith, Sadie | 1,056.38 |
| 143575 | Sullivan, Katie | 40.80 |
| 153872 | Snyder, Bernhard | 951.45 |
| 163399 | Sutter, George S. | 759.54 |
| 178651 | Smith, Annie | 726.63 |
| 193186 | Scott, Lizzie F. | 470.20 |
| 214191 | Smith, Emma | 1,211 81 |
| 226264 | Smith, Lizzie B. | 2.175 15 |
| 238237 | Seifert Lizzie | 11.952.17 |
| 240353 | Speer, Milly I. | 227 07 |
| 246568 | Scanlon, Richard | 8.099.86 |
| 252851 | Schaller, Michael | 1,222 23 |
| 256952 | Swenson, John F. | 41.16 |
| 411204 | Struthers, William F. | 4,848.17 |
| 411582 | Shuler, Elizabeth | 41 31 |
| 412752 | Stubbs, John H. | 106.19 |
| 412800 | Stewart, Zora | 2,276 57 |
| 412831 | Shine, Mary | 60 24 |
| 414604 | Soska, John | 5,219 61 |
| 415711 | Sawders, Frank P., Jr. | 55.07 |
| 423017 | Schleiter, Howard G. | 32.20 |
| 423277 | Schaefer, Ruth L. | 894.07 |
| 423335 | Sheinberg, Harry | 2,770.07 |
| 424781 | Short, Bessie V. | 130.01 |
| 425488 | Seel, Edward M., Jr. | 1,897.04 |
| 435112 | Stewart, Melvin S. | 932.25 |
| 435439 | Soska, Amelia | 1,183 90 |
| 436629 | Schmolder, Marie P. | 225.28 |
| 436732 | Schwartz, Ellen M. | 91.77 |
| 437035 | Selwood, William H. | 1,690 74 |
| 384764 | Schmidt, Katharine | 110.94 |
| 385303 | Seymour, Lansing S. | 75.06 |
| 385612 | Santman, Harry | 20.29 |
| 385963 | Steffaniak, Andy P. | 55.94 |
| 388968 | Sigal, Lena | 163 09 |
| 389596 | Sexton, Timothy J. | 1,035 15 |
| 389962 | Sack, Anna | 355.33 |
| 392337 | Smith, Kate | 59.12 |
| 394774 | Schmidt, Martha | 29.45 |
| 394877 | Snyder, Conrad E. A., Jr. | 36.57 |
| 418670 | Scott, John H. | 60.94 |
| 418921 | Snyder, J. Buell | 34.09 |
| 419373 | Strain, James D. | 44.34 |
| 419580 | Sacks, William | 135.13 |
| 439116 | Stein, Tille | 850 80 |
| 382080 | Scott, Jean M. | 19 75 |
| 383153 | Schessler, Catherine G. | 24.21 |
| 3.3579 | Shook, Irene M. | 101.28 |
| 416149 | Seglo, Peter | 72.93 |
| 442168 | Shaw, Kathryne H. | 958.18 |

T

| | | |
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| 275443 | Thames, William | 28.79 |
| 284781 | Traynor, Rose | 2,557 07 |
| 311455 | Tosh, Alice | 321.90 |
| 316623 | Thompson, Annie | 126.26 |
| 399219 | Torrence, Frank H. | 612 18 |
| 400056 | Tidbal Anna M. | 272.16 |
| 400067 | Turner, Geo. W. | 138.17 |
| 448910 | Taylor, Matilda | 1,919 53 |
| 363892 | Thompson, Annie B. | 71.55 |
| 369538 | Texter, George | 1,642.74 |
| 374617 | Thomas, Lewis P. | 18.90 |
| 426752 | Thome, Mary E. | 1,252.31 |
| 428186 | Truxel, Clara Marie | 161.53 |
| 381041 | Thompson, Margaret | 106.37 |
| 390700 | Turner, Emma | 1,150.57 |
| 390800 | Thompson, Alex. | 115 20 |
| 394896 | Turich, Josephine | 776.64 |
| 419532 | Trakolfer, Maria | 704.51 |
| 440427 | Tomasso, Joseph | 51.18 |
| 438647 | Thomas, Harold F., tr. | 51.42 |
| 46228 | Theis, Matilda | 125.06 |
| 212920 | Thompson, Robert H. | 556.58 |
| 236961 | Taylor, Margaret | 879.55 |
| 247607 | Tench, Marguerite L. | 178 23 |
| 412029 | Tick, Bernard | 319.80 |
| 412607 | Titzel, Anna C. R. | 150 61 |
| 423962 | Tarullo, Donato | 284.05 |
| 424974 | Titley, Pearl E. | 225.88 |
| 425802 | Talacko, Adolph | 544.15 |
| 335501 | Turner, Lettie C. | 266.30 |
| 405474 | Taylor, Elizabeth E. | 324.18 |
| 406661 | Thompson, James F. | 270.42 |
| 408679 | Trudel, Louis | 804.04 |
| 409950 | Teplitz, Rosa | 27.64 |
| 420528 | Tomer, Henry A., Sr. | 130 47 |
| 433445 | Turnblacer, Mary E. | 2,023.60 |
| 445820 | Taylor, Maurice | 130.46 |

U

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|---|---|---|
| 228179 | Underwood, Sarah J. | 1,344.79 |
| 347673 | Uber, Ada N. | 875.73 |

V

| | | |
|---|---|---|
| 272345 | Vause, Rachel | 807.07 |
| 430950 | Vietmeier, Henry | 274.97 |
| 447131 | Vatter, Jennie V. | 556.16 |
| 426821 | Vogel, Carrie | 218.31 |
| 427563 | Vassilarou, Froso | 639 40 |
| 383442 | Van Horn, Laura E. | 105.69 |
| 393659 | Volbrecht, Wm. J. | 201.86 |
| 341988 | Vento, Domenic A. | 3,624.01 |
| 84583 | Vincent, Mary E. | 28.76 |
| 233340 | Vincus, Pavil | 14,368.42 |
| 412096 | Vogt, Frank | 599.78 |
| 435073 | Vosler, Cora | 414.03 |
| 435201 | Veverka, Joseph F. | 305.96 |
| 435595 | Vogel, Alice I. | 115.43 |
| 437351 | Veeder, Vardi M. | 152.13 |

W

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| 273205 | Woods, Emma B. | 519.90 |
| 283843 | Williams, Ella V. | 61.03 |
| 289074 | Walper, W. Herbert | 3,106.05 |
| 294502 | Winters, Kathryn | 164.87 |
| 2.7146 | Wormald, Alice | 2,989 03 |
| 316223 | Williams, Augustine F. | 140.67 |
| 319271 | Worrell, Du can A. | 520.92 |
| 400519 | Wells, Eagon C. | 330 99 |
| 401221 | Wildman, Ruth H. | 266.39 |
| 402436 | Wootton, Grace E. | 43.33 |
| 402720 | Villiams, Clarissa C. | 443.22 |
| 404274 | Webber, Margaret M. | 266.03 |
| 404441 | Wilson, Mina E. | 1,412 98 |
| 404547 | Wasilewska, Amelia | 355.53 |
| 404580 | Weil, Felix | 1,078 89 |
| 404659 | Whitman, Hinda | 114.28 |
| 429414 | Weinman, Mary C. | 269.29 |
| 430158 | Wagner, J. or T. A. | 392.00 |
| 430472 | Williams, Helen M. | 79.43 |
| 448585 | Weigand, Eva G. | 105 49 |
| 404531 | Wilson, N. Jennie | 1,153.44 |
| 404534 | Wilson, Mary C. | 1,134.41 |
| 442761 | Winters, L. Crosby | 163.55 |
| 381175 | Wisser, Elizabeth | 32.73 |
| 382007 | Wholey, Frances | 97.73 |
| 385159 | Wangeman, Verna M. | 12.34 |
| 386130 | Wiggins, Elijah | 1,355.73 |
| 389440 | Walsh, Marie | 1,095 98 |
| 390133 | Wilson, Catherine M. | 26.35 |
| 390559 | Wissman, Alice | 714.53 |
| 391245 | Wendell, Hilda | 198.53 |
| 392864 | Warmbt, Bruno | 36.76 |
| 394473 | Williams, Mary M. | 49.22 |
| 416907 | Williamson, Margaret A., Extrx. | 60.09 |
| 417632 | Wolpert, Sadie M. | 1,010.71 |
| 418327 | Watson, Margaret T. | 291.46 |
| 418426 | Weigold, Marie | 28.37 |
| 419719 | Wandless, James M. | 955.37 |
| 438305 | Watson, Charles H. | 55.14 |
| 382983 | Wadsworth, Leila T. | 2,739.64 |
| 389817 | Walsh, John A. | 94.61 |
| 329501 | Walls, Mary | 61.45 |
| 331886 | Wallace, Maude D. | 225.47 |
| 339399 | Walsh, Hannah | 957.63 |
| 342441 | Wagner, Albert R. | 488.34 |
| 347439 | Weinman, Edward C. | 1,021.93 |
| 348185 | Welch, Phoebe A. | 964.43 |
| 348230 | Wright, Margaret | 1,820.39 |
| 357586 | Wick, Ann R. | 403 46 |
| 405625 | Walsh, Mary | 1,119.96 |
| 405722 | Wroblenski, Stefan | 121.67 |
| 406798 | Ward, Catharine C. | 1,217.71 |
| 408596 | Walter, Chas. A. | 176.01 |
| 409837 | Wadding, Maria | 41.95 |
| 419616 | Williams, Clarrissa C. | 184 40 |
| 420718 | White, Margaret | 223.80 |
| 421010 | Waite, John | 97.88 |
| 421136 | Watson, Anabel J. | 126.92 |
| 422569 | Wilbraham, Ed L. | 1,032.72 |
| 434240 | Werner, Fred | 2,367.44 |
| 434435 | Wohlgemuth, Julia | 110.65 |
| 443858 | Ward, Lucy | 3,240.18 |
| 444386 | Werner, Howard | 700.24 |
| 421024 | Warden, Ruth H. | 174.52 |
| 361667 | Wagner, Daniel | 385 62 |
| 369552 | Woods, Jessie L. | 1,827.47 |
| 370251 | Walter, Rachel E. | 738.84 |
| 373221 | Walker, Gilbert S. | 232.10 |
| 426024 | Wilson Samuel W., 2d | 57 90 |
| 426262 | Weixel, Edna K., Gdn. | 372.68 |
| 426415 | Weingartner, Joseph | 76 69 |
| 427411 | Wickline, V. Edna | 196 89 |
| 427509 | Wirtz, Catherine E. | 60.43 |

| | | |
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| 61907 | Wilkinson, William J. | 237.06 |
| 71814 | Wilson, Ada I. | 91.04 |
| 74940 | Wilson, Anna M. | 3,140.99 |
| 83568 | Wedekind, Mary J., Extrx. | 5,159.72 |
| 88723 | Wilson, Lizzie J. | 395.82 |
| 121402 | Wilson, Sarah A. | 23.54 |
| 123842 | Woodhead, Sarah A. | 1,701.89 |
| 149095 | Walton, M. Agnes | 397.17 |
| 174118 | Watt, Rachel D. | 1,204.72 |
| 193133 | Weetman, Elizabeth | 427.51 |
| 211453 | Welsch, May | 558.96 |
| 239228 | Welsh, Thomas A., | 876.16 |
| 248875 | Winklevass, Robert | 137.67 |
| 411276 | Wasilinski, John | 2,262.43 |
| 412459 | Weinman, Oren B. | 149.85 |
| 414973 | Wilson, Minnie J. | 183.56 |
| 415683 | Wilbert, Ivins L. | 311.64 |
| 423777 | Werner, Gustave E. | 126.02 |
| 435419 | Wittman, Herbert M. | 707.58 |
| 435795 | Winkler, Gertrude | 51.25 |
| 435874 | Wilkinson, Mary L. | 103.28 |
| 436507 | Ward, Mary A. | 1,301.34 |
| 437152 | Wetzel, Mary | 1,177.99 |
| | Y | |
| 424402 | Young, Henrietta C. | 127.59 |
| 387236 | Yerger, William E. | 1,232.90 |
| 391577 | Youden, George S. | 61.10 |
| 392084 | Yoest, August E. | 27.57 |
| 333708 | Young, John H. | 1,849.87 |
| | Z | |
| 288938 | Zoeller, Fred H. | 3,529.36 |
| 399134 | Zisek, Martin | 482.07 |
| 373301 | Zincawics, Joe | 164.38 |
| 418407 | Zirkle, Bertha R. F. | 206.41 |
| 418975 | Zimmer, Emma | 704.61 |
| 353300 | Zehnder, Caroline | 33.87 |
| 406412 | Zmuda, Frank | 73.53 |
| 411567 | Zalman, Goldie | 692.46 |
| 412105 | Zoeller, Julia W. | 2,301.34 |
| 413097 | Zaborowski, Dorothy | 85.91 |
| 425216 | Zotter, Joseph | 2,021.14 |

ELMER S. STANIER, Treasurer.

Pittsburgh, Pa., January 1, 1940.

## THE LEHIGH COAL AND NAVIGATION COMPANY

1421 Chestnut Street
Philadelphia, Pa.

December 20, 1939.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania in the General Assembly met:

In compliance with the requirements of the 19th Section of the Act of Assembly, passed March 20, 1818, entitled "An Act to Improve the Navigation of the River Lehigh," I would respectfully report that the tolls received on the Lehigh Navigation during the year 1939 amount to two thousand six hundred sixty-eight dollars and sixteen cents ($2,668.16), according to the returns made to this office.

Very truly yours,
HENRY R. PEASE,
Secretary.

State of Pennsylvania } SS.
City of Philadelphia }

Before me, the subscriber, a Notary Public of the County of Philadelphia and State of Pennsylvania, personally appeared on this twentieth day of December, A. D. 1939, Henry H. Pease, Secretary of The Lehigh Coal and Navigation Company, who being duly affirmed according to law, did depose and say that the above statement is just and true to the best of his knowledge, information and belief.

Affirmed and subscribed before me the day of year aforesaid.

HENRY H. PEASE

(Seal) M. H. EDMUNDS
Notary Public

My Commission expires at the end of the next Session of the Senate.

## REPORT OF THE DELAWARE RIVER JOINT COMMISSION OF PENNSYLVANIA AND NEW JERSEY

1939

| | |
|---|---|
| Arthur H. James, Chairman | Arthur C. King, Vice-Chairman |
| George Connell | I. Norwood Griscom |
| Warren R. Roberts | Alfred Cooper |
| F. Clair Ross | Barton F. Sharp |
| Thomas B. Smith | A. Matlack Stackhouse |
| Richard Weglein | Marvin H. Coombs |
| J. Willison Smith | Albert S. Woodruff |
| William H. Folwell | Edward L. Sturgess |

Joseph K. Costello, Secretary-General Manager
John B. Kates, Treasurer

Counsel

Augustus F. Daix, 3rd — T. Harry Rowland

CLASSIFICATION OF VEHICLES—I
Crossing Delaware River Bridge in 1939

| PERIOD | AUTOMOBILES AND LIGHT TRUCKS — Total: Vehicles | % of Total | 20c Rate: Vehicles | % of Autos | Commuters 15c: Vehicles | % of Autos | BUSES (50c & 75c): Vehicles | % of Total | TRUCKS 2 to 5 Tons (35c, 40c, 50c): Vehicles | % of Total | TRUCKS (5 to 10 Tons) (65c, 75c): Vehicles | % of Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1939 Jan. | 747,116 | 87.91 | 653,004 | 87.41 | 94,112 | 12.59 | 73,106 | 8.60 | 18,058 | 2.12 | 6,914 | 0.81 |
| Feb. | 728,270 | 88.51 | 638,388 | 87.65 | 89,882 | 12.35 | 66,172 | 8.04 | 17,550 | 2.13 | 6,531 | 0.79 |
| Mar. | 863,818 | 88.78 | 757,154 | 87.66 | 106,664 | 12.34 | 74,803 | 7.68 | 21,281 | 2.18 | 8,106 | 0.83 |
| Apr. | 933,239 | 89.89 | 834,062 | 89.37 | 99,177 | 10.63 | 72,805 | 7.08 | 20,231 | 1.94 | 7,086 | 0.86 |
| May | 1,039,160 | 90.00 | 931,356 | 89.63 | 107,804 | 10.37 | 77,086 | 6.68 | 23,449 | 2.03 | 7,692 | 0.66 |
| June | 1,103,286 | 90.50 | 997,909 | 90.44 | 105,377 | 9.56 | 77,144 | 6.32 | 24,009 | 1.96 | 8,165 | 0.66 |
| July | 1,329,333 | 91.49 | 1,236,885 | 93.04 | 92,448 | 6.96 | 84,646 | 5.82 | 23,773 | 1.63 | 8,089 | 0.55 |
| Aug. | 1,298,123 | 91.05 | 1,197,346 | 92.23 | 100,777 | 7.77 | 86,035 | 6.03 | 26,004 | 1.82 | 8,768 | 0.61 |
| Sept. | 1,090,000 | 90.15 | 988,821 | 90.71 | 101,179 | 9.29 | 77,996 | 6.45 | 25,324 | 2.09 | 8,839 | 0.73 |
| Oct. | 987,264 | 8..49 | 870,263 | 88.14 | 117,001 | 11.86 | 74,999 | 6.79 | 25,501 | 2.31 | 8,521 | 0.77 |
| Nov. | 942,473 | 89.28 | 826,737 | 87.71 | 115,736 | 12.29 | 74,364 | 7.04 | 24,466 | 2.31 | 8,565 | 0.81 |
| Dec. | 959,097 | 89.02 | 850,133 | 88.63 | 108,964 | 11.37 | 77,886 | 7.24 | 24,537 | 2.28 | 7,951 | 0.73 |
| 1939 Totals | 12,021,179 | 89.85 | 10,782,058 | 89.69 | 1,239,121 | 10.31 | 917,042 | 6.85 | 274,183 | 2.04 | 95,227 | 0.71 |
| Grand Totals from Date of Opening to Dec. 31, 1939 | 129,497,788* | 87.14 | 30,431,947 | 23.49 | 3,390,695 | 2.61 | 15,168,352 | 10.20 | 2,634,425 | 1.77 | 707,812 | 0.47 |

(* includes 95,675,146 at 25c rate.)

CLASSIFICATION OF VEHICLES—II
Crossing Delaware River Bridge in 1939

| PERIOD | Special Vehicles | Motor-cycles | Horse-drawn Etc. | Total | % Change Same Month 1938 |
|---|---|---|---|---|---|
| 1939 Jan. | 3,600 | 1,003 | 2 | 849,799 | — 0.45 |
| Feb. | 3,267 | 959 | 0 | 822,749 | + 6.51 |
| Mar. | 3,587 | 1,374 | 0 | 972,969 | + 5.09 |
| Apr. | 3,128 | 1,711 | 1 | 1,038,201 | + 3.62 |
| May | 4,032 | 2,505 | 1 | 1,153,925 | + 0.75 |
| June | 4,050 | 2,435 | 1 | 1,219,090 | + 4.32 |
| July | 3,986 | 3,125 | 0 | 1,452,952 | + 4.36 |
| Aug. | 4,113 | 2,603 | 0 | 1,425,646 | + 1.04 |
| Sept. | 4,609 | 2,301 | 0 | 1,209,069 | + 5.43 |
| Oct. | 4,828 | 1,976 | 0 | 1,103,089 | + 1.84 |
| Nov. | 4,187 | 1,532 | 0 | 1,055,587 | + 13.53 |
| Dec. | 4,333 | 1,355 | 0 | 1,075,159 | + 8.60 |
| 1939 Total | 47,720 | 22,879 | 5 | 13,378,235 | - |
| Grand Totals from Date of Opening to Dec. 31, 1939 | 210,092 | 378,717 | 4,335 | 148,601,521 | |

RECEIPTS FOR 13½ YEARS

| | |
|---|---|
| Gross | $40,579,917.57 |
| Net | 34,598,825.99 |

RESUME OF OPERATION—I

| Year | TOTALS | | PLEASURE CARS AND LIGHT TRUCKS | | | | Buses | Trucks (Heavy) | Special Permits | Motor-cycles | Misc. Horses etc. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Vehicles | Receipts | Total | 25c Rate | 20c Rate (Feb. 1/37) | 15c Comm's. (Mar. 1/37) | | | | | |
| 1936 | 10,614, 5 | 3,067,967.87 | 9,176,234 | 100% | None | None | 1,034,938 | 345,578 | 28,524 | 29,198 | 3 |
| 1937 | 12,283,129 | 2,969,423.52 | 10,901,116 | 619,864 | 9,267,896 | 1,013,356 | 1,005,322 | 328,951 | 29,368 | 28,372 | 0 |
| 1938 | 12,820,338 | 3,027,489.36 | 11,520,211 | None | 10,381,993 | 1,138,218 | 924,010 | 314,915 | 36,959 | 24,287 | 6 |
| 1939 | 13,378,235 | 3,155,259.05 | 12,021,179 | None | 10,782,058 | 1,239,121 | 917,042 | 369,410 | 47,720 | 22,879 | 5 |

RESUME OF OPERATION—II

| Year | AVERAGES | | | | Sunday & Holiday Traffic | RAIL TRANSIT LINE (opened June 7, 1936) | | | Net Receipts |
|---|---|---|---|---|---|---|---|---|---|
| | VEHICLES | | RECEIPTS | | | Total Rates 2½c | AVERAGE | | |
| | Month | Daily | Month | Daily | | | Month | Daily | |
| 1936 | 884,539 | 29,001 | 255,647.32 | 8,387.89 | 38,923 | 2,479,236 | 354,177 | 11,920 | 2,606,707.01 |
| 1937 | 1,024,428 | 33,679 | 247,451.96 | 8,135.40 | 43,667 | 4,743,310 | 395,276 | 12,995 | 2,516,613.49 |
| 1938 | 1,068,361 | 35,124 | 252,290.7 | 8,294.49 | 45,272 | 4,120,755 | 343,396 | 11,289 | 2,445,817.04 |
| 1939 | 1,114,852 | 36,652 | 262,938.25 | 8,644.54 | 46,176 | 4,340,095 | 361,675 | 11,890 | 2,628,712.32 |

## ANNUAL REPORT OF THE DELAWARE RIVER JOINT COMMISSION OF PENNSYLVANIA AND NEW JERSEY

To the Honorable: The Legislatures of the Commonwealth of Pennsylvania and the State of New Jersey.

For the second successive year traffic across the Delaware River Bridge reached a new high in 1939 with the passage of 13,378,235 vehicles, an increase of 557,897 or 4.35 per cent over 1938 which had registered a gain of 527,209 or 4.28 per cent. . . . . .

Favorable weather and improved business conditions in the area served by the Delaware River Bridge undoubtedly contributed to this increase. Only during the month of January when heavy snow storms retarded traffic and necessitated the employment of 358 extra men on the fourteenth and 303 on the nineteenth to clear the bridge of snow did business fall below the corresponding month of 1938.

During the year each of the last nine months was distinguished by the passage of more than one million cars against seven months in 1938.

Most of the big river-crossings throughout the country reported improved business in 1939. Total cross-river traffic in the vicinity of Philadelphia in 1939 was 17,613,383 against 16,825,231 in 1938. The Delaware River Bridge's share was 75.95 per cent against 76.19 in 1938. The Tacony-Palmyra Bridge, with total traffic of 2,056,200, accommodated 11.67 per cent of the cross-river traffic against 11.17 in 1938.

On January 24, 1939, ferry service between South Street, Philadelphia and Kaighn Avenue, Camden was resumed after an interruption from April 30, 1938. This ferry carried 830,623 vehicles during the year. As a result, the competing ferry between Market Street, Philadelphia to Federal Street, Camden, showed a reduction from 1,753,746 in 1938 to 1,348,325 in 1939. It was expected, when the South Street-Kaighn Avenue ferry went into service, that the heavy truck business on the Delaware River Bridge would be unfavorably affected. Instead, this division increased from 314,915 units in 1938 to 369,410 this year.

Of gross operating receipts of $3,155,259.05, $526,546.73 was spent for maintenance and operation of the bridge while interest accruing on bonds amounted to $1,581,082.54. The net operating income of the structure was, therefore, $1,047,629.78 plus interest of $20,229.44 on the Sinking Fund and $57,279.71 on the Surplus Fund bringing the net income to $1,125,138.93. At the end of the year, the Commission indebtedness was $37,054,000. On September 1, 1939, $233,000 bonds matured.

On May 24, 1939, by direction of the Commission and with the required approval of the Federal Emergency Administration of Public Works, unsold bonds of a face value of $2,863,000 were cremated at the offices of the Fiscal Agent of the Commission, the Land Title Bank and Trust Company, Philadelphia. These were part of the original issue of September 1, 1933 and, of this amount, $2,842,000 had been set aside as part of the cost of the rail transit line. It was unnecessary to sell these bonds because of the Federal Emergency Administration of Public Works' grant of $2,272,499.89, the balance of the cost being defrayed by the Commission.

Commission bonds bear interest of four and one-quarter per cent and are callable at 105 on September 1, 1943, at which time it is hoped to re-finance the issue at a considerably lower coupon rate. In view of the excellent record made by the bridge, we have been assured that such re-financing would meet with favor.

The financial history of the Delaware River Bridge is set forth in the appendix to this report. Briefly, the cost of the structure and land upon which it was built was $37,085,100.71. After the project went into operation, the Commission built the rail transit line between Philadelphia and Camden, a structure to house its maintenance forces and new toll buildings for a total charge against Commission funds of $8,421,772.80. The total cost of physical improvements was therefore $45,506,873.51. From the time of the original appropriations in 1919 by Pennsylvania, New Jersey and Philadelphia for the building of the bridge, interest was charged against all sums advanced to the Commission. This interest item was included in full in the reimbursement made to the States and the City in 1933 when the Commission sold its own bonds. Semi-annually since 1933, interest has been paid upon all outstanding bonds. In all, this interest amounted to $20,665,427.04 as of December 31, 1939 and is most frequently overlooked when matters pertaining to the Delaware River Bridge operation are discussed.

Total expenses of operation and maintenance to the end of 1939 were $6,311,477. All these costs must be added to determine the actual investment as of the close of the year. The total cost is, therefore, $72,483,777.55. On the other hand, the Commission has been collecting tolls since July 1, 1926—the total to date is $40,914,776.82. Additional money was borrowed from the public through the issuance of bonds of $38,120,000. Of this amount, $1,066,000 bonds have matured making the present indebtedness $37,054,000. The Commission is, therefore, credited at the end of this year with receipts and unpaid borrowed money of $77,968,776.82 from which the total cost of $72,483,777.55 may be deducted leaving an excess of $5,484,999.27 in the Commission's possession. This is represented by investments held in the Sinking and Surplus Funds amounting to $4,768,820.97, cash of $710,831.39 and prepaid insurance on the bridge of $5,346.91.

This is the simple picture of the finances of The Delaware River Joint Commission.

### TRAFFIC GAINS IN RECENT YEARS

Operation of the bridge since the opening on July 1, 1926 was as follows:

| | Traffic | Gross Receipts | Expenses | Net Receipts |
|---|---|---|---|---|
| 1939 ..... | 13.378.235 | $3.155.259.05 | $526.546.73 | $2.628.712.32 |
| 1938 ..... | 12.820.338 | 3.027.489.36 | 581.672.32 | 2.445.817.04 |
| 1937 ..... | 12.293.129 | 2.969.423.52 | 452.810.03 | 2.516.613.49 |
| 1936 ..... | 10.614.475 | 3.067.967.87 | 461.260.86 | 2.606.707.01 |
| 1935 ..... | 10.156.929 | 2.899.563.25 | 441.146.59 | 2.458.416.66 |
| 1934 ..... | 9.981.615 | 2.846.116.26 | 429.412.63 | 2.416.703.63 |
| 1933 ..... | 9.886.705 | 2.820.018.71 | 418.516.46 | 2.401.502.25 |
| 1932 ..... | 10.804.557 | 3.091.576.91 | 456.397.44 | 2.635.179.47 |
| 1931 ..... | 12.308.225 | 3.479.337.93 | 430.856.72 | 3.048.981.21 |
| 1930 ..... | 12.285.359 | 3.517.730.64 | 500.597.53 | 3.017.133.11 |
| 1929 ..... | 11.615.609 | 3.331.754.46 | 398.496.20 | 2.933.258.26 |
| 1928 ..... | 9.725.470 | 2.827.786.83 | 378.590.01 | 2.449.196.82 |
| 1927 ..... | 8.593.201 | 2.435.784.40 | 346.678.59 | 2.093.921.89 |
| 1926 (½ year) | 4.137.674 | 1.110.108.38 | 158.109.47 | 946.682.83 |

An improvement of great value to the bridge was made in 1939 by the setting back for a maximum distance of nine and one-half feet of the curbs of the footwalks at the Camden pylons. In addition the entrance to the Camden Plaza was widened by two extra lanes. These changes together with the re-surfacing of the Camden Plaza at a total cost of $21,674.38 have considerably facilitated the flow of traffic past the toll houses. The cost was charged against current expenses.

The interior and exterior of the Administration Building were painted. As an experiment, sheets of rubber were substituted for metal shims under the gratings of the main span joints of the bridge. The resulting elimination of noise and wear has been noteworthy. In the fall of the year, the Commission constructed a one-story building on the Philadelphia Plaza for the use of the Police Bureau. Nearly all of this work was done by Commission employees.

A new all-time high for 24-hour traffic was made on Sunday, August 6, 1939 with the passage of 75,072 vehicles. The best previous figure was 74,041 on August 14, 1938. In 1927, the first complete year of operation of the bridge, the record was 55,674 on Sunday, July 17. At that time, the expression was heard in some quarters that the bridge had neared its capacity. As a matter of fact 100,000 cars could be handled in twenty-four hours provided they could get on and off the structure through the narrow streets of Philadelphia and Camden.

During the year widening of the approaches to the Delaware River Bridge was the subject of discussion from many angles but without any improvement in physical conditions. The hope that the Commonwealth of Pennsylvania and the City of Philadelphia would expand traffic arteries in the latter city was not fulfilled. The problem at both ends of the bridge is one which again the Commission respectfully brings to the attention of the Legislatures of Pennsylvania and New Jersey.

The rail transit line across the bridge received increased

patronage in 1939. Total passengers were 4,340,095 compared with 4,120,755 in 1938. The daily average was 11,890. Receipts to the Commission were $108,502.38. The Philadelphia Rapid Transit Company advised that operation of the line was imposing a financial burden upon the Company and, on July 10, 1939, in an effort to reduce expenses, the Franklin Square Station in Philadelphia and part of the Broadway Station in Camden were closed. The four-year lease between the Commission and the Company expires June 30, 1941.

RAIL TRANSIT LINE

| Month | 1936 | | | 1937 | | | 1938 | | | 1939 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Passengers | Receipts | Daily Average Passengers | Passengers | Receipts | Daily Average Passengers | Passengers | Receipts | Daily Average Passengers | Passengers | Receipts | Daily Average Passengers |
| January | Opened June 6th, 1936 | | | 382,624 | 9,565.60 | 12,343 | 419,887 | 10,497.18 | 13,544 | 364,050 | 9,101.25 | 11,743 |
| February | | | | 346,963 | 8,674.08 | 12,392 | 322,278 | 8,056.95 | 11,510 | 324,688 | 8,117.20 | 11,596 |
| March | | | | 403,001 | 10,075.02 | 13,001 | 338,587 | 8,464.67 | 10,922 | 381,908 | 9,547.70 | 12,319 |
| April | | | | 390,876 | 9,771.90 | 13,029 | 329,325 | 8,233.13 | 10,977 | 354,040 | 8,851.00 | 11,801 |
| May | | | | 383,345 | 9,583.63 | 12,366 | 323,689 | 8,092.22 | 10,441 | 362,038 | 9,050.95 | 11,678 |
| June | 322,660 | 8,066.50 | 13,444 | 379,799 | 9,494.97 | 12,660 | 313,607 | 7,840.18 | 10,453 | 350,547 | 8,763.68 | 11,685 |
| July | 340,282 | 8,507.05 | 10,977 | 365,141 | 9,128.53 | 11,714 | 287,451 | 7,186.27 | 9,272 | 312,118 | 7,802.95 | 10,068 |
| August | 312,811 | 7,820.28 | 10,091 | 361,423 | 9,035.57 | 11,658 | 301,784 | 7,544.60 | 10,059 | 323,622 | 8,090.55 | 10,439 |
| September | 313,496 | 7,837.40 | 10,449 | 386,126 | 9,653.15 | 12,871 | 312,867 | 7,821.68 | 10,429 | 333,477 | 8,336.92 | 11,115 |
| October | 365,250 | 9,131.25 | 11,782 | 425,410 | 10,635.25 | 13,723 | 357,747 | 8,943.67 | 11,540 | 377,903 | 9,447.58 | 12,190 |
| November | 360,814 | 9,020.35 | 12,027 | 426,113 | 10,652.83 | 14,204 | 362,178 | 9,054.45 | 12,073 | 394,302 | 9,857.55 | 13,143 |
| December | 463,923 | 11,598.07 | 14,965 | 492,489 | 12,312.22 | 15,887 | 451,355 | 11,283.88 | 14,560 | 461,402 | 11,535.05 | 14,883 |
| Totals | 2,479,236 | 61,980.90 | 11,920 | 4,743,310 | 118,582.75 | 12,995 | 4,120,755 | 103,018.88 | 11,289 | 4,340,095 | 108,502.38 | 11,890 |

During the year a request was again made by the bus companies which operated 917,042 vehicles over the bridge for a reduction in tolls. This was referred to the Transportation Committee which, on October 27, 1939, recommended that no reduction be made at this time. The report of the Transportation Committee was approved by the Commission.

The Commission took an active part in 1939 in the work of the Conference on State Defense, an association in which are joined the attorneys-general of nearly every state in the Union. This conference was formed to protect the rights of the States, acting directly or through agencies such as The Delaware River Joint Commission, to issue bonds for public improvement at interest rates so low that they could be made attractive to the investor only by exempting the income thereon from Federal taxation. Twice during the year attempts were made to push bills through Congress which, had they been successful, would have greatly increased the burden carried by the states.

## DEFENSE AGAINST FEDERAL TAXATION

The Commission was represented at the hearings of the Senate Finance Committee on February 8 and of the House Ways and Means Committee on June 30. The position of the Commission was set out before the Ways and Means Committee as follows:

> It has been testified that removal of the exemption will increase the cost of state and city financing by one-half to one per cent. It may be true, with states and cities of unimpeachable credit ratings, that the increase will be merely one-half of one per cent but, when is comes to speculative projects such as bridges and tunnels, we feel the interest rate will become prohibitive. We who operate bridges and tunnels and hope, when traffic necessitates, to build additional crossings are thus caught in a most vicious circle. As the coupon rate rises, the debt service mounts and the chances that the project will be self-liquidating are proportionately reduced. The margin between success and failure in the operation of a publicly-owned bridge is never large.
>
> The Port of New York Authority and, later, The Delaware River Joint Commission introduced a new development in the financing of great river crossings. The Port of New York Authority issued its own bonds and repaid New York and New Jersey for the appropriations which made the Holland Tunnel possible. The Delaware River Joint Commission followed suit and issued its own bonds to repay Pennsylvania, New Jersey and the City of Philadelphia every dollar, with interest, that was advanced for the building of the Delaware River Bridge. The same thing has been done in other parts of the country.
>
> These bonds were sold to the public with nothing behind them but the revenues of the structures. In the case of the Delaware River Bridge, the Commonwealth of Pennsylvania and the State of New Jersey retain title and no mortgage was created upon the structure. If the bridge continues to enjoy sufficient traffic to meet operating and maintenance charges, the bondholders receive their semi-annual interest and, each year, some of the bonds are matured.
>
> On the Delaware River Bridge bonds, our interest rate is four and one-quarter per cent, entirely too high in view of the present market conditions. At the present time, we have outstanding $37,287,000 bonds but they are callable in 1943. Every other Commission and Authority has in mind the refunding of issues at the callable date. If the Federal Government is to tax income from bonds by these State agencies, the prospects of re-financing are decidedly dimmed. The bankers with whom we have been in contact advise that removal of the immunity from the bond income will result in an increased expense of from one-half to one per cent. If the immunity is lost, it will be a difficult question as to whether it would be advantageous to re-cast the financial structures of these bridges at the callable date or whether it would be better to permit the original issue, which I assume will remain immune, to continue until all the bonds are paid off. In either event, the public will be paying too much interest.
>
> The people who use these bridges pay tolls with the expectation that at the earliest possible date the structures will be free to the traveling public. They demand and are entitled to receive every advantage from economic management. On all publicly-owned toll bridges, the rates of toll are fixed as low as possible in view of operating costs and bond charges. Economic administration requires that interest rates be kept as low as possible to insure the financial stability of the project. Riveted fast into the financial structure of many of our bridges, is the factor that at some subsequent time the bond interest requirement can be materially reduced. If this possibility vanishes with the immunity hitherto enjoyed, bridge manage-

ments must undertake a frantic search for additional revenue.

Nearly all bridge bond indentures contain a provision that the rates of toll must always be sufficient to meet bond requirements. The alternative, you may say, is to increase toll rates, but this is a measure which would be hotly resented by the public and one that can not be guaranteed to produce desired results. An increase in toll rates means a reduction in the volume of traffic but, even more important than the effect upon the bridges already built, is the restriction that would be imposed upon the building of new bridges and tunnels.

This country needs many additional river crossings and some are so monumental that only a public enterprise can risk the undertaking. Funds to build these structures can be secured only from the public. The States or the authorities they create must bid for the money against private enterprises which offer much less risky avenues of investment than bridge and tunnel building.

At the conclusion of the hearing before the Ways and Means Committee, the Chairman gave assurance that no further attempt would be made, in 1939, to enact a law making income from securities issued by states of their agencies taxable. The problem, however, gives every promise of becoming more acute in 1940. Plans of the Commission to re-finance its bond issue in 1943 at a lower rate of interest will be adversely affected if such legislation does not specifically exempt re-funding issues.

## STAMP TAX IN DOUBT

The attempt of the Federal Government to impose a stamp tax upon the issue and transfer of Commission bonds had not been brought to a conclusion at the end of the year. The Commission met on July 28, 1939 and was advised as follows by its General Manager:

"The Treasury Department of the United States Government has considerably modified its claim for stamp taxes on bonds issued by The Delaware River Joint Commission, following a series of conferences held during the last two years here and in Washington.

Up until this time, the Treasury has claimed $41,000 as an original stamp tax upon the $41,000,000 Commission bond issue together with interest and penalties of $6,532.69, a total of $47,532.69 plus $6,889.34 with interest and penalties of $1,040.29, a total of $7,929.63 representing stamp taxes upon subsequent transfers of Commission bonds. The total assessment by the Treasury, therefore, was $55,462.32. The Treasury now advises that $33,842 of its original claim of $41,000 was erroneously assessed. Of the $6,889.34 assessment of subsequent transfers, $6,814.54 was likewise erroneously assessed. Claim for these amounts together with interest and penalties upon them is now withdrawn. Instead of the total amount of $55,462.32, we now are billed for a total of $8,394.61 of which interest and penalties amount to $1,151.81.

Briefly, the Treasury now admits the bonds issued to repay the cost of construction of the Delaware River Bridge are exempt from the Federal stamp tax but contends that bonds sold for the building of the rail transit line which is held to be a non-essential governmental function are subject to tax. While a very considerable concession has thus been made by the Government, I am not convinced beyond reasonable doubt that the Commission is liable for even the revised tax. It does not seem altogether fair that the Government should insist upon the payment of interest and penalties upon this portion of the tax inasmuch as it admits that our opposition to paying the tax as originally assessed was correct in a preponderant degree. The Commission had no option to elect to decline payment of part of the assessment as the accompanying notice is the first we received that the rail transit line portion of the bond issue had been segregated."

TRAFFIC, RECEIPTS AND EXPENSES

| Month | 1926 | | | 1927 | | |
|---|---|---|---|---|---|---|
| | Traffic | Receipts | Expenses | Traffic | Receipts | Expenses |
| January | | | | 466,918 | $148,165.38 | $27,223.07 |
| February | | | | 447,374 | 109,100.34 | 30,238.57 |
| March | | | | 586,441 | 155,743.32 | 28,929.78 |
| April | | | | 654,243 | 173,375.38 | 27,149.29 |
| May | | | | 771,344 | 210,816.96 | 25,818.29 |
| June | | | | 783,223 | 222,513.82 | 14,849.19 |
| July | 828,647 | $226,532.97 | $18,988.70 | 975,551 | 264,948.49 | 26,878.44 |
| August | 804,165 | 219,729.09 | 28,567.85 | 824,886 | 265,357.32 | 28,633.61 |
| September | 730,711 | 178,512.94 | 21,689.89 | 865,760 | 248,796.87 | 39,549.02 |
| October | 655,078 | 184,233.31 | 30,524.96 | 776,505 | 227,107.03 | 25,987.63 |
| November | 610,291 | 172,266.75 | 27,092.46 | 693,836 | 210,995.04 | 29,566.76 |
| December | 508,782 | 128,833.32 | 31,245.61 | 647,120 | 198,864.45 | 41,854.79 |
| TOTALS | 4,137,674 | $1,110,108.38 | $158,109.47 | 8,593,201 | $2,435,784.40 | $346,678.59 |
| NET RECEIPTS | | $946,682.83 | | | $2,093,921.89 | |

| Month | 1928 | | | 1929 | | | 1930 | | |
|---|---|---|---|---|---|---|---|---|---|
| | Traffic | Receipts | Expenses | Traffic | Receipts | Expenses | Traffic | Receipts | Expenses |
| January | 531,945 | $178,184.17 | $31,076.14 | 691,827 | $207,812.83 | $31,538.35 | 792,291 | $229,672.30 | $32,272.39 |
| February | 555,696 | 170,286.61 | 34,370.68 | 657,126 | 191,785.23 | 29,052.90 | 757,647 | 221,585.92 | 33,531.88 |
| March | 657,294 | 195,838.42 | 31,428.52 | 850,894 | 237,825.60 | 37,629.98 | 921,732 | 282,816.79 | 40,255.69 |
| April | 728,163 | 215,041.37 | 29,751.49 | 858,784 | 247,119.89 | 33,308.07 | 970,596 | 283,134.72 | 40,117.85 |
| May | 829,841 | 235,846.43 | 32,406.28 | 1,002,573 | 281,480.01 | 33,979.39 | 1,105,698 | 319,006.55 | 41,563.36 |
| June | 871,082 | 257,264.55 | 28,623.81 | 1,126,167 | 328,222.53 | 31,052.08 | 1,163,455 | 320,237.06 | 36,309.72 |
| July | 1,063,159 | 294,327.21 | 33,633.08 | 1,268,929 | 353,982.78 | 37,290.47 | 1,272,827 | 370,521.67 | 48,450.44 |
| August | 1,044,579 | 299,711.61 | 32,947.86 | 1,299,433 | 355,751.66 | 38,795.01 | 1,308,101 | 358,519.43 | 44,659.67 |
| September | 942,270 | 260,823.69 | 29,568.11 | 1,104,067 | 306,127.55 | 30,292.52 | 1,129,713 | 310,755.63 | 39,941.53 |
| October | 881,472 | 257,370.39 | 29,079.68 | 985,086 | 280,407.38 | 30,762.16 | 1,020,625 | 287,963.13 | 42,919.13 |
| November | 790,455 | 228,438.98 | 30,247.69 | 911,888 | 262,221.55 | 32,445.28 | 940,368 | 266,670.84 | 49,818.23 |
| December | 779,514 | 234,653.40 | 35,456.67 | 858,835 | 279,017.45 | 32,354.99 | 902,306 | 266,846.60 | 50,757.64 |
| TOTALS | 3,725,470 | $2,827,786.83 | $378,590.01 | 11,615,609 | $3,331,754.46 | $398,496.20 | 12,285,359 | $3,517,730.64 | $500,597.53 |
| NET RECEIPTS | | $2,449,196.82 | | | $2,933,258.26 | | | $3,017,133.11 | |

| Month | 1931 | | | 1932 | | | 1933 | | |
|---|---|---|---|---|---|---|---|---|---|
| | Traffic | Receipts | Expenses | Traffic | Receipts | Expenses | Traffic | Receipts | Expenses |
| January | 829,442 | $237,708.20 | $42,954.90 | 820,468 | $250,486.00 | $34,244.08 | 685,372 | $188,938.59 | $34,950.88 |
| February | 773,165 | 226,331.83 | 33,936.75 | 779,370 | 214,084.61 | 31,123.64 | 589,811 | 164,238.98 | 32,386.53 |
| March | 861,208 | 265,696.69 | 40,195.00 | 814,395 | 249,608.94 | 34,287.21 | 690,043 | 215,762.65 | 34,754.00 |
| April | 890,665 | 262,422.18 | 33,728.00 | 866,749 | 234,520.85 | 33,583.10 | 798,465 | 215,625.00 | 34,704.98 |
| May | 1,112,045 | 321,942.37 | 32,911.98 | 978,457 | 268,284.28 | 36,473.22 | 855,472 | 258,649.75 | 32,740.80 |
| June | 1,136,598 | 339,727.46 | 33,170.30 | 967,446 | 294,010.81 | 39,386.08 | 924,690 | 260,706.74 | 31,867.37 |
| July | 1,275,567 | 335,980.72 | 35,864.41 | 1,124,653 | 297,976.45 | 48,622.12 | 1,066,431 | 288,077.01 | 35,346.06 |
| August | 1,279,808 | 364,670.00 | 40,802.97 | 1,101,001 | 301,033.15 | 46,143.81 | 1,042,936 | 280,430.75 | 37,691.60 |
| September | 1,125,543 | 301,962.45 | 31,795.34 | 987,062 | 296,377.72 | 50,736.01 | 928,938 | 278,563.75 | 29,723.43 |
| October | 1,035,156 | 305,704.54 | 33,053.03 | 867,986 | 238,797.05 | 32,570.64 | 841,983 | 232,151.46 | 40,525.60 |
| November | 940,634 | 259,053.40 | 37,224.76 | 767,317 | 239,476.64 | 36,679.41 | 768,983 | 207,839.30 | 40,518.66 |
| December | 911,395 | 258,738.13 | 34,222.28 | 720,653 | 206,920.41 | 32,548.12 | 703,581 | 229,034.73 | 33,306.55 |
| TOTALS | 12,308,225 | $3,479,337.93 | $430,856.72 | 10,804,557 | $3,091,576.91 | $456,397.44 | 9,886,705 | $2,820,018.71 | $418,516.46 |
| NET RECEIPTS | | $3,048,981.21 | | | $2,635,179.47 | | | $2,401,502.25 | |

| Month | 1934 | | | 1935 | | | 1936 | | |
|---|---|---|---|---|---|---|---|---|---|
| | Traffic | Receipts | Expenses | Traffic | Receipts | Expenses | Traffic | Receipts | Expenses |
| January | 662,380 | $186,220.60 | $32,508.17 | 593,650 | $169,865.25 | $46,115.28 | 622,320 | $176,196.45 | $38,301.86 |
| February | 487,606 | 142,425.81 | 31,940.77 | 563,194 | 161,285.55 | 35,047.91 | 541,103 | 156,802.60 | 38,494.76 |
| March | 669,341 | 185,054.10 | 35,639.48 | 703,757 | 208,870.85 | 35,624.52 | 705,275 | 238,116.95 | 37,712.86 |
| April | 790,844 | 241,834.09 | 40,767.05 | 806,000 | 247,869.14 | 34,012.79 | 808,685 | 224,239.21 | 40,949.60 |
| May | 869,626 | 236,545.80 | 38,020.74 | 882,327 | 240,888.20 | 35,011.07 | 952,598 | 254,971.54 | 60,695.09 |
| June | 932,743 | 284,546.37 | 36,250.60 | 960,277 | 260,525.67 | 34,957.14 | 963,732 | 287,272.72 | 35,969.72 |
| July | 1,116,016 | 290,246.68 | 33,539.93 | 1,117,485 | 330,143.50 | 33,931.04 | 1,186,494 | 318,403.53 | 35,692.00 |
| August | 1,116,991 | 300,955.12 | 42,089.39 | 1,132,430 | 305,060.35 | 36,181.98 | 1,220,337 | 337,945.35 | 40,164.16 |
| September | 913,476 | 248,340.10 | 32,723.08 | 941,261 | 267,544.50 | 38,017.52 | 930,714 | 313,002.81 | 34,996.20 |
| October | 839,029 | 258,335.70 | 33,573.13 | 853,237 | 260,129.20 | 40,358.25 | 892,682 | 253,715.07 | 35,581.63 |
| November | 797,395 | 220,515.65 | 33,432.58 | 786,152 | 218,650.74 | 36,899.10 | 829,753 | 241,285.11 | 35,350.16 |
| December | 786,168 | 242,096.80 | 39,997.71 | 757,159 | 238,760.30 | 34,989.99 | 834,782 | 266,016.53 | 27,502.72 |
| TOTALS | 9,981,615 | $2,846,116.26 | $429,412.63 | 10,156,929 | $2,899,563.25 | $441,146.59 | 10,614,475 | $3,067,967.87 | $461,260.86 |
| NET RECEIPTS | | $2,416,703.63 | | | $2,458,416.66 | | | $2,606,707.01 | |

| Month | 1937 | | | 1938 | | | 1939 | | |
|---|---|---|---|---|---|---|---|---|---|
| | Traffic | Receipts | Expenses | Traffic | Receipts | Expenses | Traffic | Receipts | Expenses |
| January | 730,545 | $218,622.33 | $35,383.85 | 853,699 | $197,406.92 | $38,350.85 | 849,799 | $209,403.80 | $41,900.64 |
| February | 733,554 | 185,117.11 | 33,230.71 | 772,460 | 209,771.54 | 35,767.23 | 822,749 | 214,829.75 | 38,036.52 |
| March | 886,566 | 210,004.40 | 40,141.46 | 925,786 | 232,677.13 | 43,975.12 | 972,969 | 236,815.64 | 39,181.31 |
| April | 924,758 | 227,386.10 | 34,255.31 | 1,001,914 | 238,988.35 | 38,162.36 | 1,038,201 | 231,773.95 | 49,236.71 |
| May | 1,114,107 | 278,326.55 | 39,522.15 | 1,145,235 | 258,468.61 | 39,456.18 | 1,153,025 | 275,791.15 | 52,691 96 |
| June | 1,149,918 | 269,226.34 | 35,058.66 | 1,108,556 | 270,284.71 | 34,953.76 | 1,219,090 | 281,545.85 | 55,545.88 |
| July | 1,354,899 | 329,767.82 | 39,507.69 | 1,392,213 | 308,769.69 | 62,680.97 | 1,452,952 | 351,095.00 | 42,101.02 |
| August | 1,350,204 | 296,102.47 | 40,941.04 | 1,410,903 | 344,634.90 | 70,333.02 | 1,425,646 | 320,533.96 | 42,995.28 |
| September | 1,129,480 | 270,205.09 | 37,299.59 | 1,146,734 | 263,825.07 | 66,819.58 | 1,209,669 | 278,451.17 | 42,287.77 |
| October | 1,021,832 | 240,006.15 | 36,624.83 | 1,083,142 | 251,161.03 | 47,858.35 | 1,103,089 | 256,990.32 | 41,666.82 |
| November | 939,509 | 213,680.15 | 38,278.40 | 929,731 | 219,828.89 | 40,160.97 | 1,055,587 | 246,660.50 | 41,275.17 |
| December | 957,697 | 230,909.01 | 42,566.34 | 989,965 | 231,873.12 | 63,153.93 | 1,075,159 | 250,767.96 | 39,657.65 |
| TOTALS | 12,293,129 | $2,969,423.52 | $452,810.03 | 12,820,338 | $3,027,489.36 | $581,672.32 | 13,378,235 | $3,155,259.05 | $526,546.73 |
| NET RECEIPTS | | $2,516,613.49 | | | $2,445,817.04 | | | $2,628,712.32 | |

The Commission thereupon directed that an appeal be filed from the stamp tax assessment. In a brief filed October 23, 1939, Counsel for the Commission held that the tax was illegally imposed. The matter is still under consideration at Washington.

A number of changes in Commission membership occurred during the year: Mr. John A. McCarthy died on April 4, 1939 shortly after resigning as a commissioner. The Honorable S. Davis Wilson, Mayor of Philadelphia, died August 19. His place upon the Commission was taken by the Honorable George Connell, Acting Mayor, who served until the end of the year. Mr. Frank L. Suplee died September 10 and, on September 25, the Legislature of New Jersey elected Mr. Edward L. Sturgess of Glassboro to serve as his successor for the unexpired term. The New Jersey Legislature, on April 10, 1939, had re-elected Messrs. I. Norwood Griscom of Atlantic County, A. Matlack Stackhouse of Burlington County, Barton F. Sharp of Cumberland County, Alfred Cooper of Cape May County, Frank L. Suplee of Gloucester County, Arthur C. King of Ocean County, Marvin H. Coombs of Salem County and named Albert S. Woodruff of Camden County as successor to Mr. David Baird, Jr. effective July 1, 1939 for five-year terms. On May 23, Governor Arthur H. James of

Pennsylvania announced that he had dismissed Messrs. John B. Kelly, James P. Clark and George Gordon Meade appointed by his predecessor and, on June 1, 1939, he appointed Messrs. Thomas B. Smith, J. Willison Smith, Richard Weglein and William H. Folwell to serve until the end of the next session of the Pennsylvania Senate. All four had previously served as Commissioners.

At the meeting of the Commission held June 23, Governor James was elected Chairman. On August 25, Augustus F. Daix, 3rd, Esquire of Philadelphia was named counsel on the Pennsylvania side succeeding John Edward Sheridan whose term of appointment expired June 16, 1939.

## INVITATION TO LEGISLATURES

Captain Alfred I. Souder, head of the Police Bureau of the Commission since the opening of the bridge, died on February 20, 1939 and was succeeded by Lieutenant Charles I. Wilson on March 24, 1939.

At the November meeting, the Commission by-laws were amended by adoption of the following provisions:

"The Committee on Insurance and Pensions shall consider and make recommendations concerning and dealing with all matters of insurance of the Commission's property and pensioning of employees and upon such other matters as may from time to time be referred to it.

The Committee on Continuity of Emlpyment shall consider and make recommendations upon all matters arising out of the contract between the Commission and its employees and such other subjects as may from time to time be referred to it."

One person was killed in an accident on the bridge during the year; thirty-seven accidents were reported; fifty-two arrests were made; four persons committed suicide by leaping from the structure and 459 disabled cars were removed by the police towing apparatus.

Throughout the year, the bridge and its appurtenances have been under daily inspection. The structure has been found to be in excellent condition.

The Commission extends a cordial invitation to the members of the Legislatures of Pennsylvania and New Jersey to inspect the Delaware River Bridge.

Respecfully submitted,

THE DELAWARE RIVER JOINT COMMISSION

| | |
|---|---|
| Arthur H. James, Chairman | Arthur C. King, Vice-Chairman |
| George Connell | I. Norwood Griscom |
| Warren R. Roberts | Alfred Cooper |
| F. Clair Ross | Barton F. Sharp |
| Thomas B. Smith | A. Matlack Stackhouse |
| Richard Weglein | Marvin H. Coombs |
| J. Willison Smith | Albert H. Woodruff |
| William H. Folwell | Edward L. Sturgess |

Joseph K. Costello, Secretary-General Manager

December 31, 1939.

DISTRIBUTION OF VEHICULAR TRAFFIC ACROSS THE DELAWARE RIVER

Among Ferries and Bridges Within 10 Miles of the Delaware River Bridge In Year 1939

| Month | Ferry Vehicles | | Tacony Palmyra Bridge | Total Vehicles Other Than the Delaware River Bridge | Delaware River Bridge | Total Cross River Traffic | Tacony Palmyra Bridge Share of Traffic | Delaware River Bridge Share of Traffic |
|---|---|---|---|---|---|---|---|---|
| | Penn. R. R. | South St. Kaighn Ave. | | | | | | |
| January | 125,879 | Opened 1-24-39 7,807 | 97,843 | 231,529 | 849,799 | 1,081,328 | 9.04% | 78.58% |
| February | 86,671 | 51,831 | 96,146 | 234,648 | 822,749 | 1,057,397 | 9.09% | 77.80% |
| March | 102,759 | 61,860 | 113,787 | 278,406 | 972,969 | 1,251,375 | 9.09% | 77.75% |
| April | 98,522 | 65,577 | 149,352 | 313,451 | 1,038,201 | 1,351,652 | 11.04% | 76.80% |
| May | 108,350 | 79,651 | 184,426 | 372,427 | 1,153,925 | 1,526,352 | 12.08% | 75.60% |
| June | 114,723 | 84,267 | 208,909 | 407,899 | 1,219,090 | 1,626,989 | 12.84% | 74.92% |
| July | 125,864 | 101,627 | 306,647 | 534,138 | 1,452,952 | 1,987,090 | 15.43% | 73.11% |
| August | 134,749 | 100,516 | 286,885 | 522,150 | 1,425,646 | 1,947,796 | 14.72% | 73.19% |
| September | 122,639 | 87,357 | 210,859 | 420,855 | 1,209,009 | 1,629,924 | 12.93% | 74.17% |
| October | 117,823 | 72,543 | 148,841 | 339,207 | 1,103,089 | 1,442,296 | 10.31% | 76.48% |
| November | 106,445 | 62,103 | 127,186 | 295,734 | 1,055,587 | 1,351,321 | 9.41% | 78.11% |
| December | 103,901 | 55,484 | 125,319 | 284,704 | 1,075,159 | 1,359,863 | 9.21% | 79.06% |
| TOTALS 1939 | 1,348,325 | 830,623 | 2,056,200 | 4,235,148 | 13,378,235 | 17,613,383 | 11.67% | 75.95% |
| Totals 1938 | 1,758,746 | | 1,980,864 | 4,004,893 | 12,820,338 | 16,825,231 | 11.77% | 76.19% |
| % CHANGE | — 30.06 | | + 3.80 | + 5.74 | + 4.35 | + 4.68 | | |

## APPENDICES

### SCHEDULE OF TOLL RATES
### PHILADELPHIA-CAMDEN

| | |
|---|---|
| Passenger Automobile | $0.20 |
| Motor Truck—7,000 pounds gross weight (pneumatic tires) | .20 |
| (Commutation toll books containing 40 tickets for the passage of passenger automobiles and trucks of 7,000 pounds gross weight are sold for $6.00 for use within 30 days after purchase. Unused tickets will not be erdeemed. Use of tickets will be limited to the vehicle identified by the license number recorded on the book cover.) | |
| Motor Truck: | |
| 7,000 pounds gross weight (solid rubber tires) | .35 |
| 7,001 to 18,000 pounds (pneumatic tires) | .40 |
| (solid rubber tires) | .50 |
| 18,001 to 26,000 pounds (pneumatic tires) | .65 |
| (solid rubber tires) | .75 |

| | |
|---|---|
| 26,001 to 28,000 pounds gross weight (pneumatic tires) | .90 |
| (Solid rubber-tired vehicles in excess of 26,000 pounds by special permit only.) | |
| 28,001 to 36,000 pounds gross weight (pneumatic tires) | 1.00 |
| Passenger Bus (single-deck) | .50 |
| (double-deck) | .75 |
| Horse-drawn vehicles (1 or 2 horses) | .30 |
| (3 or more horses) | .40 |
| Horse and Rider | .15 |
| Led horse, mule, cow, hog or sheep | .20 |
| Motorcycle or Bicycle | .10 |
| One-wheel trailer | .10 |

"Gross Weight" is the combined weight of the vehicle and its maximum allowable load. Loads in excess of 26,000 pounds (gross weight) when permitted, shall be charged $0.25 per 2,000 pounds, or portion thereof, of such load in excess of 26,000 pounds in addition to the above tolls with the exception of pneumatic-tired vehicles of 28,001 to 36,000 pounds upon which a toll of $1.00 shall be charged.

No vehicle and load of a combined weight exceeding 80,000 pounds permitted to cross the bridge.

No motor truck or tractor with metal tires allowed on the bridge.

BALANCE SHEET — DECEMBER 31, 1939

ASSETS

| | | | | |
|---|---|---|---|---|
| CASH IN BANKS: | | | | |
| Operating Funds | | | $ 700,831.39 | |
| Operating Funds on deposit with Fiscal Agent for bond interest coupons (per contra) | | | 5,078.75 | $ 705,910.14 |
| OPERATING FUNDS ON HAND: | | | | |
| Toll Department | | | | 10,000.00 |
| SINKING AND SURPLUS FUNDS: | *Sinking* | *Surplus* | | |
| Cash in banks | $ 43,997.79 | | $ 43,997.79 | |
| Investments (at par) in: D. R. J. C. 1940's (cost) | 75,000.00 | | 75,000.00 | |
| U. S. Government obligation (cost $4,782,178) | 730,000.00 | $3,885,000.00 | 4,615,000.00 | |
| Interest accrued on investments | 7,709.90 | $27,113.28 | 34,823.18 | 4,768,820.97 |
| PREPAID INSURANCE PREMIUMS | | | | 5,346.91 |
| INVESTMENTS IN PHYSICAL PROPERTY: | | | | |
| Bridge | | | $33,207,410.82 | |
| High-Speed Transit Project | | | 10,985,383.53 | |
| Maintenance Building and Toll Houses | | | 269,515.61 | 44,462,309.96 |
| | | | | $49,952,387.98 |

LIABILITIES AND SURPLUS

| | | | |
|---|---|---|---|
| BONDED DEBT: | | | |
| 4¼% Serial bonds maturing 1935/73: | | | |
| Authorized: | | | |
| ($41,000,000 less $2,880,000 canceled) | | $38,120,000.00 | |
| Redeemed through Sinking Fund | | 1,066,000.00 | |
| Balance Outstanding | | | $37,054,000.00 |
| INTEREST ON FUNDED DEBT: | | | |
| Accrued—not due | | $ 524,931.67 | |
| Coupons—not presented (per contra) | | 5,078.75 | 530,010.42 |
| OTHER LIABILITIES: | | | |
| Unpaid palance of land claim | | $ 800.00 | |
| Payable to Commonwealth of Pennsylvania | | 9,137.38 | 9,937.38 |
| SURPLUS: | | | |
| Non-Operating | | $ 2,832,326.34 | |
| Operating | | | |
| Blance of Surplus accumulated in operations from 7/1/31 to 12/31/39 | | 9,526,113.84 | |
| Total Surplus | | | 12,358,440.18 |
| | | | $49,952,387.93 |

STATEMENT OF OPERATIONS FOR CALENDAR YEAR 1939

| | | |
|---|---|---|
| Receipts | | |
| Tolls and Rentals | | $3,043,086.13 |
| High-Speed Line Fares | | 108,251.21 |
| Interest received on bank balances | | 3,921.71 |
| Gross Operating Income | | $3,155,259.05 |
| Expenses (Operating): | | |
| Salaries | $364.654.26 | |
| Equipment | 7,969.82 | |
| Supplies | 9,057.96 | |
| Repairs | 45,438.01 | |
| Miscellaneous (including Light and Heat) | 77,139.94 | |
| Insurance (All Risk, Income and Group) | 22,286.74 | 526,546.73 |
| | | $2,628,712.32 |
| Interest on Bonds Accrued—(1-1 to 12-31-39) | | 1,581,082.54 |
| Net Operating Income | | $1,047,629.78 |
| Non-Operating Net Income: | | |
| Sinking Fund—less net premium paid of $7,593.76 | | 20,229.44 |
| Surplus Fund—less net premium paid of $44,976.56 | | 57,279.71 |
| Net Income | | $1,125,138.93 |

SOURCES OF FUNDS PROVIDED AND THEIR DISPOSITION DURING CALENDAR YEAR ENDED DECEMBER 31, 1939

| | | | |
|---|---|---|---|
| Funds were provided from the following sources: | | | |
| Net income for year (per operating statement) | | | $1,125,138.93 |
| Elimination of Accruals: | | | |
| Add: Decrease in Income Accruals at 12-31-39: | | | |
| Sinking Fund Income | $ 540.52 | | |
| Adjustment of Expense Accruals at 12-31-39 | 23,882.50 | | |
| Deduct: Increase in Income Accruals at 12-31-39: | | | |
| Surplus Fund Income | 4,089.88 | | |
| Bonded Debt Interest accrued at 12-31-38 (payable 3-1-39) | $528,232.50 | | |
| Less: Bonded Debt Interest accrued at 12-31-39 (payable 3-1-40) | 524,931.67 | 3,300.83 | 17,032.31 |
| Total Net Funds Provided During Year | | | $1,142,171.24 |
| Which Were Applied and Accounted for as Follows: | | | |
| Funded Debt: Bonds redeemed | $233,000.00 | | |
| Sinking Fund: Investments Acquired | 1,000.00 | | |
| Net Sinking Fund | $234,000.00 | | |
| Bond Surplus Fund: Investments Acquired | 660,000.00 | 894,000.00 | |
| Increase in Investments in Physical Property: | | | |
| Bridge | 1,416.00 | | |
| High-Speed Transit Project | 64,935.35 | 66,351.35 | |
| Applied to Surplus: | | | |
| State of Pennsylvania Employees' Fund | 155,957.86 | | |
| Miscellaneous | 286.18 | 156,244.04 | |
| | | $1,116,595.39 | |
| Less: Decrease in Accounts Collectable | | 150.81 | |
| Total Funds Applied | | | $1,116,444.58 |
| Excess of Cash Receipts over Disbursements | | | $ 25,726.66 |
| Cash Balance Beginning of Year | | | 729,102.52 |
| Cash Balance—End of Year | | | $ 754,829.18 |
| Composed as follows: | | | |
| Operating Funds | $710,831.39 | | |
| Sinking Fund | 43,997.79 | | |
| | $754,829.18 | | |

COSTS, INCOME AND INVESTMENTS

| | | | |
|---|---|---|---|
| Cost of Bridge Including Land and Approaches | | $37,085,100.71 | |
| Expended for Additional Properties and Construction: | | | |
| High-Speed Rail Transit Line (Net) | $ 8,209,487.90 | | |
| Maintenance Building (Net) | 73,331.15 | | |
| Improvements to Toll Houses | 138,953.75 | 8,421,772.80 | |
| | | | $45,506,873.51 |
| Interest Accrued on Debt to 12-31-39 | $21,190,358.71 | | |
| Less: Accrued Unpaid, 12-31-39 | 524,931.67 | | |
| Total Interest Paid | | | 20,665,427.04 |
| Expenses of Operation and Maintenance to 12-31-39 | $ 6,320,614.38 | | |
| Less: Accrued Unpaid, 12-31-39 | 9,137.38 | | |
| Total Expenses Paid | | | 6,311,477.00 |
| Total Costs Paid | | | $72,483,777.55 |
| Total Receipts | $40,914,776.82 | | |
| Bonds Issued | $38,120,000.00 | | |
| Less: Bonds Redeemed | 1,066,000.00 | | |
| Bonds Outstanding | 37,054,000.00 | | |
| Receipts and Borrowed Capital | | | 77,968,776.82 |
| Receipts and Bororwed Capital in Excess of Total Costs | | | $5,484,999.27 |
| INVESTED AS FOLLOWS: | | | |
| Cash on Hand | $ 710,831.39 | | |
| Bond Funds | 4,768,820.97 | | |
| Prepaid Insurance Unexpired | 5,346.91 | | |
| Total Invested | | | $5,484,999.27 |

## REASONS FOR PARDONS

### GRANTED BY GOVERNOR FROM JANUARY 17, 1939 TO MAY 6, 1940

Commonwealth of Pennsylvania,
Governor's Office, Harirsburg,
May 6, 1940.

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for pardons granted by me from January 17, 1939 to date.

ARTHUR H. JAMES.

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### BOARD OF PARDONS

In re application of Bertha Abernathy, No. 2667, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Bertha Abernathy, convicted of murder, 1st degree, in the Court of Oyer & Terminer of Lawrence County on July 28, 1930, be commuted from life imprisonment to a min. of 8 years and 7 months, expiring on February 28, 1939, and a maximum of life imprisonment.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Lawrence County to imprisonment for and during her natural life in the State Industrial Home for Women on the 28th day of July, 1930.

The Superintendent of the State Industrial Home for Women, Miss Franklin R. Wilson, states: "We have found Bertha to be an intelligent colored woman who is a dependable, earnest worker. Her character has improved, she has learned to control her temper and is now a stable, trustworthy person."

The trial judge, Honorable James A. Chambers, stated: "I felt at the time that possibly the time would come when leniency might well be extended to this applicant. Whether that time has yet arrived, I am willing to submit to the judgment of your Honorable Court." Likewise, the trial district attorney, Alvah M. Shumaker, states: "This woman has now undergone an imprisonment of nine years and I feel that the ends of justice will have been met if she is now granted a commutation of sentence."

Investigation by the Board of Pardons indicates that this applicant was guilty of homicide but there is some question whether or not the crime had all the elements necessary to convict the applicant of murder in the first degree. The facts which she has recited in her application give her interpretation of the details of the crime. Undoubtedly this shooting occurred at a term of Court in Lawrence County when public feeling was running very high in view of seven murder cases during that term. It is a fair assumption that she received a severe sentence due to the state of the public mind. She has been assured sponsorship by Dr. George Garnett of New Castle and will be employed by her sister in operating a confectionery store in the City of New Castle.

The Board is of the opinion that this woman has been sufficiently punished, in view of the fact that it is a question whether or not she was actually guilty of murder in the first degree. The Board therefore recommends that her sentence be commuted. She will have served 8 years and 7 months of her life sentence and will be under the supervision of the Board of Pardons for the rest of her natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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### BOARD OF PARDONS

In re application of William W. Bricker, No. 4306, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William W. Bricker, convicted of fraudulent conversion in the Court of Quarter Sessions of Berks County, on March 16, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of fraudulent conversion and was sentenced by the Court of Quarter Sessions of Berks County to pay a fine of 25 dollars, costs of prosecution, to make restitution in the sum of $597.00 and was placed on probation for three years on the 16th day of March, 1938.

The trial judge, Honorable F. R. Shanaman, stated that he would rely on the Board in the matter of their decision, believing that the sentence imposed was a fair one. The assistant district attorney, James F. Marx, states: "We gladly recommend to the Board of Pardons that they recommend the granting of a pardon."

Investigation by the Board of Pardons indicates that the applicant embezzled about five hundred and ninety-seven dollars from his employer and since his conviction he has paid the fine and costs and likewise made full restitution of the sum of money embezzled. The Board holds the receipt and letter from the Court of Quarter Sessions of Berks County attesting to that fact. The Board likewise holds a letter from the applicant's former employer recommending that a pardon be granted. The applicant has leased and is operating the Kempton Hotel, Kempton, Pa., and he has made application to the Pennsylvania Liquor Control Board for a license. It will be necessary for him to receive a pardon for this offense in order to comply with the rules of the Pennsylvania Liquor Control Board. The applicant has no known previous criminal record and since establishing himself in Kempton, Pennsylvania, he has earned for himself a good reputation.

The Board therefore recommends that a pardon be granted, believing that it will in part remove the stigma of the crime and will be of material assistance to his business advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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### BOARD OF PARDONS

In re application of Frank Cardone, C-4822, No. 115A, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum

sentence on Bill No. 80 of Frank Cardone, convicted of felonious entry, larceny and receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on September 12, 1928, be commuted on Bill No. 80 from a minimum of 5 years to a minimum of 1 day, expiring on March 13, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Peter Cipoli, C-3534, No. 116-A, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Peter Cipoli, convicted of rape in the Court of Oyer and Terminer and Quarter Sessions in Philadelphia County on September 1, 1928, be commuted on Bill No. 1141 from a minimum of 6 years to a minimum of 1 day, expiring on March 2, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Daniel Diluzio, C-7819, No. 4297, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Daniel Diluzio, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 4, 1932, to begin February 13, 1932, be commuted from a maximum of 20 years to a minimum of 5 years

6 months and 9 days, expiring on February 28, 1939, and a maximum term of 20 years; and that the minimum sentence of Daniel Diluzio, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 31, 1937, be commuted from a minimum of 10 years to a minimum of 1 day, expiring on March 1, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of assault to rob, larceny of an automobile, operating an auto without consent of owner, carrying firearms without a license and was sentenced by the Oyer and Termnier and Quarter Sessions Court of Philadelphia County for from three to twenty years on the 4th day of March, 1932. The applicant was released on parole on February 13, 1936. He was returned to the Eastern State Penitentiary on the 31st day of December, 1937, for the crime of robbery, being armed with an offensive weapon, under a sentence of from ten to twenty years to begin at the expiration of the original sentence.

The Board of Trustees of the Eastern State Penitentiary state: "Since this man's return for violation of his parole his record has been satisfactory. He has been transferred to the hospital, where he is suffering from advanced bilateral pulmonary tuberculosis. He is dangerous to his contacts and absolutely requires hospital care."

The trial judge, Honorable James G. Gordon, Jr., did not reply to our letter of inquiry, but Honorable Harry S. McDevitt states: "At the most, he has but a few weeks to live and I have no objection to a pardon if it will permit him to die outside." The assistant district attorney, James W. Tracey, Jr., stated that the only merit to his application is his serious condition and that he has no objection to a commutation if hospital care is assured.

Dr. William G. Turnbull, Superintendent of the Philadelphia General Hospital, states: "If you see fit to grant a parole to this prisoner we will accept him immediately."

The Board of Pardons is of the opinion that this applicant, now suffering from the last stages of pulmonary tuberculosis, needs hospital care, particularly as the Eastern State Penitentiary does not have facilities to handle tuberculosis patients. The applicant's condition is such that he is dangerous to other inmates and it is recommended that he be given proper attention. The Board therefore recommends that his sentence be commuted, subject to his hospitalization. The applicant will have served 5 years 6 months and 9 days of his maximum sentence and will be under the supervision of the Board of Pardons until 1959.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles Dixon, B-6154, No. 1758, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum on Bill No. 320 and minimum on Bill No. 323 of Charles Dixon, convicted of breaking and entering and larceny in the Court of Quarter Sessions of Luzerne County on February 1, 1930, be commuted on Bill No. 320 from a maximum of 10 years to a maximum of 9 years and 1 month, expiring on March 1, 1939; and on Bill No. 323 from a minimum of 5 years to a minimum of 1 day, expiring on March 2, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of breaking and entering and larceny and was sentenced by the Quarter Sessions Court of Luzerne County to pay a fine of two hundred dollars and for from ten to twenty years' imprisonment in the Eastern State Penitentiary on the 1st day of February, 1930.

The Board of Trustees of the Eastern State Penitentiary state that he has a satisfactory institutional record and that he has demonstrated exceptional interest in self-improvement.

The trial judge, Honorable Benjamin R. Jones, did not reply to our letter of inquiry. Assistant district attorney, John Dando, stated that he was not opposed to the granting of the application.

Investigation by the Board of Pardons indicates that this applicant was guilty of a series of small robberies in Luzerne County and he, with two accomplices, was sentenced to the Eastern State Penitentiary. The Board of Pardons commuted the sentence of one of the accomplices in December, 1938. It would appear that this young man, at the time of conviction, had become enmeshed in the law when intoxicated. There is reason to believe that the crimes for which he is now serving a sentence arose as a result of his over-indulgence in liquor. The Board of Pardons is of the opinion that this man has been sufficiently punished and will have served over 9 years of his minimum sentence.

The Board therefore recommends that his sentence be commuted. He will have served 9 years and 1 month of his minimum sentence and will be under the supervision of the Board of Pardons until 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of George Henry Epler, C-4923, No. 4285, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of George Henry Epler, convicted of aggravated assault and battery, assault and battery to kill, bringing stolen goods into State and attempted burglary in the Court of Quarter Sessions of Berks County on November 3, 1928, be commuted on Bill No. 115 to a minimum of 4 months, expiring on March 3, 1939, and a maximum of 7 years.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of assault and battery, bringing stolen goods into the State and attempted burglary. He was sentenced by the Quarter Sessions Court of Berks County for from 8½ to 17 years in the Eastern State Penitentiary on the 3rd day of November, 1928. The applicant escaped from the Berks County Prison on the 4th day of May, 1934, and was apprehended the same day and sentenced for the escape on the 11th day of May, 1934, for from three to six years, same to run concurrently with the sentence imposed on the third day of November, 1928.

The Board of Trustees of the Eastern State Penitentiary state that his record in the institution is satisfactory and

he has attempted to improve himself by taking courses of instruction.

The trial judge, Honorable Robert Mays, states that he is in favor of granting the application. Likewise, the assistant district attorney, James F. Marx, states: "Under all the circumstances that have come to our knowledge we strongly recommend a commutation of the sentence at this time."

Investigation by the Board of Pardons indicates that this applicant is unquestionably guilty of the crime but that since his incarceration he has recently made serious effort to improve himself. He has studied navigation and has enlisted the help of Reverend Percy R. Stockman of the Seamen's Church Institute, Philadelphia, who will make every effort to get him employment in the Merchant Marines.

The Board therefore recommends that the applicant's sentence be commuted. He will have served ten years and 4 months of his maximum sentence and will be on parole until 1945.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Jack Forman, B-4038, No. 3446, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bills No. 6 and No. 7 and minimum sentence on Bill No. 8 of Jack Forman, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on April 12, 1934, be commuted on Bill No. 6 from a maximum of 2 years to a maximum of 11 months and 28 days, expiring April 10, 1939; on Bill No. 7 from a maximum of 2 years to a maximum of 1 day, expiring April 11, 1939; and on Bill No. 8 from a minimum of 1 year to a minimum of 1 day, expiring April 12, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Frank Getz, B-3371, No. 4039, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Getz, convicted of arson in the Court of Oyer and Terminer of Allegheny County on September 23, 1932, be commuted from ten years to 6 years and 5 months, expiring on February 23, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of arson and was sentenced by the Oyer and Terminer Court of Allegheny County to pay a fine of five hundred dollars, costs of prosecution and imprisonment for from ten to twenty years in the Western State Penitentiary on the 23rd day of September, 1932.

The Board of Trustees of the Western State Penitentiary state that if the applicant were eligible for parole they would probably recommend him, "(1) first imprisonment (2) excellent institutional record (3) cooperative inmate (4) has served 6½ years of his minimum"

The trial judge, Honorable Samuel L. Reed, is deceased. The assistant district attorney, Russell H. Adams, stated that he was not opposed to the granting of the application and that Frank Getz was entitled to serious consideration by the Board.

Investigation by the Board of Pardons indicates that the applicant, together with several accomplices, set fire to buildings in Allegheny County. The wife of the applicant, Rose Getz, was paroled in November, 1938, having received a commutation of her sentence on the recommendation of the Board of Pardons. It is alleged that Rose Getz was the leader of this group and that her husband was under her domination.

The applicant has been assured of employment as a mechanic by the Auto Reconstruction Co., Swissvale, Pa., and will be under the sponsorship of his father, Frank L. Getz. The applicant is needed at home to help support his wife and three children.

The Board therefore recommends that the sentence of

the applicant be commuted. He will have served 6 years and 5 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO.
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Harold Harmon, B-6351, No. 4289, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harold Harmon, convicted of perjury in the Court of Quarter Sessions of Crawford County, on September 26, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of perjury and was sentenced to pay a fine of twenty-five dollars, costs of prosecution and imprisonment in the Western State Penitentiary for from 1 to 7 years by the Quarter Sessions Court of Crawford County on the 26th day of September, 1938, to begin September 20, 1938.

The Board of Trustees of the Western State Penitentiary state that they would probably recommend him for parole (1) first conviction (2) excellent institutional record.

The trial judge, Honorable O. Clare Kent, states: "I therefore would respectfully recommend that a pardon be granted the defendant, upon his serving one-half of his minimum sentence of imprisonment." The district attorney, Honorable Herbert A. Mook, states: "I have no objection to the Pardon Board commuting the sentence of this defendant, as I am satisfied that he did not realize the seriousness of the offense, and I think that he will hereafter keep out of all further trouble."

Investigation by the Board of Pardons indicates that this applicant, together with seven accomplices, perjured themselves in the trial of one Ralph Main involved in the sale of untaxed liquor. Two of the accomplices, Mary Capone and Betty Farrar, were pardoned by the Board of Pardons in December, 1938. This applicant was an officer of the National Guard and was persuaded against his better judgment to give false testimony in behalf of his friend, Mr. Main. The Board holds a very fine letter from Major Pond of 112th Infantry, speaking very highly of the character of the applicant. Likewise, other interested citizens of Crawford County have indicated their belief that the applicant has been sufficiently punished.

The applicant is assured of employment with the Talon, Inc., Meadville, Pa., where he was employed as one of the production superintendents. The applicant has a small son to support and he will reside with his mother in Meadville and will be under the sponsorship of Dr. George Hayward. The Board is of the opinion that this applicant has been sufficiently punished and that he will not be guilty of this or any other crime in the future.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Nora Williams Hunsicker, No. 4304, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Nora Williams Hunsicker, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Lebanon County, on October 14, 1935, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of voluntary manslaughter and was sentenced by the Oyer and Terminer Court of Lebanon County to pay the costs of prosecution and to an indeterminate term in the Pennsylvania State Industrial Home for Women on the 14th day of October, 1935. She was released from the Industrial Home on the 8th day of March, 1938, and was returned for a violation of her parole on the 9th day of December, 1938.

The Superintendent of the State Industrial Home, Miss Franklin R. Wilson, states: ". . . This woman has proven her inability to get along in the community, and I feel for her protection and for the good of the community, she should not be released."

The trial judge, Honorable C. V. Henry, writes a very strong letter recommending a pardon for the applicant, as follows: ". . . I still strongly feel as I told the Superintendent in my letter and as I wrote to Judge Smith, that this woman should not have been taken back to Muncy on account of her having yielded to the advances of her former husband resulting in her pregnancy and that they should be permitted to marry thereby furnishing a father for the unborn child and a home for the child and the mother as well as a home for the former child of the girl. After all the breach of the parole is for commission of fornication, a crime punishable by a fine of $25." The district attorney, Earl A. Brubaker, states that he has no objection to the application.

Investigation by the Board of Pardons indicates that on the trial of this woman for manslaughter Judge Henry informed our agent that there was every basis for her pleading self-defense. It is a question whether she should have been convicted of voluntary manslaughter. Her return to the Industrial Home was accomplished despite the protest of the trial judge and he has strongly urged that this woman be pardoned.

The applicant is assured of employment at the Lebanon Sanatorium and will remarry her former husband. The Board therefore recommends that the applicant be pardoned.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Paul Hydock, D-1254, No. 4299, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the maximum on Bill No. 375 and minimum on Bill No. 375-A of Paul Hydock, convicted of breaking and entering and larceny in the Court of Oyer and Terminer of Luzerne County on April 17, 1936, be commuted on Bill No. 375 from a maximum of 10 years to a maximum of 2 years and 11 months, expiring on March 17, 1939; and on Bill No. 375-A from a minimum of 5 years to a minimum of 1 day, expiring on March 18, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of breaking and entering and was sentenced for from ten to twenty years in the Eastern State Penitentiary by the Court of Oyer and Terminer and Quarter Sessions of Luzerne County on the 17th day of April, 1936.

The Board of Trustees of the Eastern State Penitentiary state that his record in the institution is satisfactory.

The trial judge, Honorable John S. Fine, is opposed to the granting of the application and the assistant district attorney, John Dando, stated that he was not opposed to the granting of the application.

Investigation by the Board of Pardons indicates that this applicant was but sixteen years of age when he was sentenced to the Eastern State Penitentiary. His prior criminal record involved some breaking and entering cases for which he paid a fine or was reprimanded. He never previously served a term in prison or penitentiary. His accomplice in the crime was commuted by the Board in November, 1938.

Our investigator states that the Chief of Police of Kingston, Pa., believed that the applicant had received a severe sentence and also that the applicant had been sufficiently punished and he would have no objection if he were granted a parole.

The applicant has been assured of employment by the Harbay's Cleaners, Larksville, Pa., and will reside with his parents in Pringle, Pa.

The Board therefore recommends that a commutation be granted this young man, believing that he has been sufficiently punished, in view of his age at the time of his conviction. The Board has been assured that he will be given proper supervision and sponsorship upon his return home. The Board therefore recommends that the sentence be commuted. The applicant will have served two years and eleven months of his minimum sentence and will be under the supervision of the Board of Pardons until 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Meyer Kasimoff, C-5193, No. 114-A, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 1378 of Meyer Kasimoff, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 1, 1929, be commuted on Bill No. 1378 from a minimum of 5 years to a minimum of 1 day, expiring on March 2, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Kelly, C-5212, No. 824, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence on Bill No. 1441 of John Kelly, convicted of burglary in the Court of Oyer and Terminer of Philadelphia County on March 11, 1929, be commuted on Bill No. 1441 from a minimum of 5 years to a minimum of 1 day, expiring on March 12, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sen-

tences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of James E. Kerns, No. 4189, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that James E. Kerns, convicted of larceny in the Court of Quarter Sessions of Allegheny County, on February 6, 1920, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny and was sentenced by the Quarter Sessions Court of Allegheny County to two years' probation on the 6th day of February, 1920.

The trial judge, Honorable John C. Haymaker, is deceased. However, the president judge, Honorable A. B. Reid, stated that he would rely upon the judgment of the Board as to its decision. The assistant district attorney, Russell H. Adams, stated that he had no opposition to offer to the application.

Investigation by the Board of Pardons reveals that this applicant has not been involved in any criminal offense since his sentence in 1920. He has been employed for the past eight and one-half years by the Department of Public Safety, Pittsburgh, Pa., as a patrolman. His reputation has been excellent and the Superintendent of the Pittsburgh Police states that the applicant is a reliable, honest and well-liked employee. He is reported to be seriously ill.

The Board of Pardons is of the opinion that this applicant, who committed a crime when seventeen years of age, and has since his conviction lived an honest and upright life is deserving of the clemency of the State. The removal of this stigma from his record will be of material assistance to him in his advancement in the Police Department of the City of Pittsburgh. The Board therefore recommends that a pardon be granted.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Felix J. Krajewski, D-3313, No. 4286, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Felix J. Krajewski, convicted of embezzlement by an officer of a corporation in the Court of Quarter Sessions of Philadelphia County on August 12, 1938 be commuted from 18 months to 7 months expiring on March 12, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of embezzlement and fraudulent conversion and was sentenced by the Quarter Sessions Court of Philadelphia County for from eighteen months to three years in the Eastern State Penitentiary on the 12th day of August, 1938.

The Board of Trustees of the Eastern State Penitentiary state that the applicant's record in the institution is satisfactory. He is now employed in the bookkeeping department and has no known previous criminal record.

The trial judge, Honorable Curtis Bok, states: "I do not mean to indicate that by this that I do not oppose his pardon. I simply feel that your Board should arrive at a decision without regard to my view." The assistant district attorney, James W. Tracey. Jr., was opposed to the granting of the application.

Investigation by the Board of Pardons reveals that this applicant embezzled in the neighborhood of fifteen hundred dollars, of which a thousand was covered by his bond, and the remainder was to be reduced by monthly payments out of his salary. He was given about six months to reduce his indebtedness but because of loss of his position and family expenses he was unable to comply with the order of the Court. He was therefore sentenced on the 12th of August, 1938, to the Eastern State Penitentiary. The applicant has been assured of a position with Lit Brothers, Philadelphia, at a salary that will enable him to comply with the Court order. The Board is of the opinion that no good purpose is being served by continuing the incarceration of this applicant. He has no previous criminal record and his prospective employment will enable him to substantially reduce his indebtedness. The Board therefore recommends that the sentence be commuted. The applicant will have served seven months of his minimum sentence and will be under the supervision of the Board of Pardons until the 12th of August, 1941.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Thomas A. Mellett, No. 4265, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Thomas A. Mellett, convicted of robbery and receiving stolen goods in the Court of Oyer & Terminer of Allegheny County, on September 27, 1926, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and receiving stolen goods. He was sentenced by the Oyer and Terminer Court of Allegheny County for from five to twenty-five years in the Western State Penitentiary on the 27th day of September, 1926. The applicant was released at the expiration of his minimum sentence on the 27th day of September, 1931.

The Board of Trustees of the Western State Penitentiary state that since he was released in 1931 he has been under the supervision of the State Supervisor of Paroles.

The trial judge, Honorable James H. Gray, states: ". . . If your judgment is that Mellett has reached that stage of self control, as his application indicates, I should think the pardon would be in order." The assistant district attorney, Russell B. Adams, states that he is not opposed to the application of Mr. Mellett for a pardon.

The Supervisor of Paroles states: "He claims he wants to marry and that is the reason why he wants to be pardoned."

Investigation by the Board of Pardons indicates that the applicant is in partnership in the operation of a confectionary store and he bears a good reputation and record in his neighborhood. Since the applicants release in 1931 he has not been involved in any criminal offenses. The Board of Pardons is of the opinion that this young man has conducted himself properly since his release and has shown no indication of his reverting to his early criminal career. The Board is of the opinion that a pardon will be of material assistance to his business advancement and therefore recommends that a pardon be granted.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Salvatore Ponti, No. 4268, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Salvatore Ponti, conviced of (1) fornication and (2) illegal possession of intoxicating liquor in the Court of (1) Quarter Sessions, (2) Quarter Sessions of Philadelphia County on (1) December 7, 1922 and (2) May 7, 1929, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of fornication and illegal possession of intoxicating liquor and was sentenced by the Quarter Sessions Court of Philadelphia County on the charge of fornication on the 7th day of December, 1922, to pay the costs of prosecution and on the liquor charge to pay a fine of one hundred dollars and be on probation for three years on the 7th day of May, 1929.

The trial judge, Honorable Joseph L. Kun, stated: "There is in my opinion no possible basis for a pardon in this case." and the Honorable Howard A. Davis stated: "The question of his pardon is one entirely to the discretion of your honorable Board." The assistant district attorney James W. Tracey, Jr., stated that he had no objection to the granting of the pardon.

Investigation by the Board of Pardons indicates that for the past ten years this applicant has conducted himself in a law-abiding manner. He has been employed by the Silvertex Clothing Company in Philadelphia for a period of years. He now desires to enter the hauling business and it is necessary for him to receive a pardon in order to be bonded in accordance with the rules of the Public Utilities Commission. It is the opinion of the Board of Pardons that this applicant has conducted himself in a thoroughly trustworthy manner and that there is no good reason why he should be hindered from advancing himself in the business world.

The Board therefore recommends that a pardon be granted, believing that it will in part remove the stigma of the crime from himself and family and will be of material assistance in his business advancement.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

---

BOARD OF PARDONS

In re application of Joseph Kerry Reardon, No. 4301, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Joseph Kerry Reardon, convicted of larency of and automobile and operating an auto without consent of the owner in the Court of Quarter Sessions of Philadelphia County, on August 7, 1933, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny of an automobile and operating an auto without consent of the owner. He was sentenced by the Quarter Sessions Court of Philadelphia County to pay the costs of prosecution and be on probation for ten years on the 7th day of August, 1933.

The trial judge, Honorable James G. Gordon, Jr., did not reply to our letter of inquiry. The assistant district attorney, James W. Tracey, Jr., stated that he offered no opposition to the granting of the application.

Investigation by the Board of Pardons reveals that this applicant had no previous criminal record and this parti-

cular crime was induced by his intoxication. For the past five years he has been a total abstainer and has conducted himself as a law-abiding citizen. The applicant is married and has a family of two children and he is at present employed as a steward at the Capitol Club of Philadelphia. The applicant is anxious to take a civil service examination so that he may obtain a better and more secure employment.

The Board therefore recommends that a full pardon be granted this applicant, believing that it will in part remove the stigma of the crime from the applicant and his family and it will be of material assistance to his business advancement.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of George Albert Riehm, C-4924, No. 1516. February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of George Albert Riehm, convicted of aggravated assault and battery, assault and battery to kill, bringing stolen goods into State and attempted burglary in the Court of Quarter Sessions of Berks County on November 3, 1928, be commuted on Bill No. 115 to a minimum of 4 months, expiring on March 3, and a maximum of 7 years.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of assault and battery, bringing stolen goods into the State and attempted burglary. He was sentenced by the Quarter Sessions Court of Berks County for from 8½ to 17 years in the Eastern State Penitentiary on the 3rd day of November, 1928. The applicant escaped from the Berks County Prison on the 4th day of May, 1934, and was apprehended the same day and sentenced for the escape on the 11th day of May, 1934, for from three to six years, same to run concurrently with the sentence imposed on the third day of November, 1928,.

The Board of Trustees of the Eastern State Penitentiary state that his record in the institution is satisfactory and he has attempted to improve himself by taking courses of instruction.

The trial judge, Honorable Robert Mays, states that he is in favor of granting the application. Likewise, the assistant district attorney, James F. Marx, states: "Under all the circumstances that have come to our knowledge we strongly recommend a commutation of the sentence at this time."

Investigation by the Board of Pardons indicates that this man has made some attempt to improve himself while in the institution and he has been assured of employment at a gasoline station conducted by Mr. Harold Reuther, Reading, Pa., and he will reside with his sister in Reading, Pa.

The Board is of the opinion that this young man has been sufficiently punished and they believe that he will not re-enter the field of crime.

The applicant will have served ten years and 4 months of his maximum sentence and will be under the supervision of the Board of Pardons until 1945.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Chester Robinson, B-4050, No. 117A, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence on Bill No. 52 and minimum sentence on Bill No. 53, of Chester Robinson, convicted by robbery and receiving stolen goods in the Court of Oyer and Terminer of Allegheny County on April 23, 1934, be commuted on Bill No. 52 from a maximum of 6 years to a maximum of 4 years, 11 months and 29 days, expiring on April 22, 1939; and on Bill No. 53 from a minimum of 2 years to a minimum of 1 day, expiring on April 23, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Eugene Stovalli, C-6421-137, No. 4275, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Eugene Stovalli, convicted of aggravated assault and battery by automobile in the Court of Quarter Sessions of Philadelphia County on January 25, 1938 be commuted from 18 months to 1 year and 1 month expiring on February 25, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of aggravated assault and battery by automobile and was sentenced by the Quarter Sessions Court of Philadelphia County for from einghteen months to three years in the Philadelphia County Prison on the 25th day of January, 1938.

The trial judge, Honorable Howard A. Davis, states that he has no further comment or recommendation to offer, leaving the matter entirely to the discretion of the Board. The assistant district attorney, James W. Tracey, Jr., stated that he had no objection to the granting of the application, believing that the sentence in this instance was rather severe.

Investigation by the Board of Pardons indicates that in an automobile collision the applicant's automobile struck a car at a street intersection, injuring slightly two women occupants. Neither of the women was sufficiently injured to even visit a hospital. There was no allegation, nor did the police report indicate that the applicant was intoxicated at the time of the accident.

The Board believes that this applicant has been sufficiently punished. He will reside in New York with William H. Buckner and has been offered employment in that city. The applicant will have served 1 year and 1 month of his minimum sentence and will be under the supervision of the probation department of Philadelphia County until January 25, 1941.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Lawrence C. Warner, Jr., D-2754, No. 4288, February Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum on Bill No. 66 and minimum on Bill No. 67 of Lawrence C. Warner, Jr., convicted of entering with intent to steal and larceny in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 6, 1938, to begin December 30, 1937, be commuted on Bill No. 66 from a maximum of 10 years to a maximum of 1 year 1 month and 28 days, expiring on February 28, 1939; and on Bill No. 67 from a minimum of 5 years to a minimum of 1 day, expiring on March 1, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of entering to steal, possession of burglar tools, possession of firearms, and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from ten to twenty years in the Eastern State Penitentiary on the 6th day of January, 1938, sentence to begin December 30, 1937.

The Board of Trustees of the Eastern State Penitentiary state that he has an excellent institutional record and that he has shown definite improvement. This man's previous record consists of one arrest for burglary and larceny.

The trial judge, Honorable Howard A. Davis, states: "I am informed that he has been a very good prisoner. I feel that the ends of justice have been served by his imprisonment and that perhaps he will make a good citizen if pardoned." The assistant district attorney, James W. Tracey, Jr., stated that he has no objection to the granting of the application.

Investigation by the Board of Pardons indicates that this young man is extremely large for his age and upon his arraignment he refused to divulge that he was barely eighteen years of age. He had been involved in a crime of burglary and larency in Moline, Illinois, in June, 1937, and was placed on probation by the Illinosis authorities. He returned to his home in Minnesota but because of lack of work in his community he was sent to Philadelphia in the care of friends of the family. It was during his stay in Philadelphia that he committed these crimes. His parents assured the Board that they would keep him at home and would set him up in a small business. The sincerity and earnestness of the parents in their plans for the rehabilitation of their son greatly impressed the Board, as it must have Judge Davis and Assistant District Attorney Tracey. Letters are on file from the Superintendent of the School District and the Y M C A, setting forth their interest in this young man.

The Board is of the opinion that this imprisonment has proved of positive benefit, and certainly a crime deterrent, to this young applicant. His assurance that he will follow out and obey his parents will mean that this applicant will develop into a respected and law-abiding citizen.

The Board therefore recommends that his sentence be commuted. He wil have served 1 year 1 month and 28 days and will be under the supervision of the Board of Pardons until 1949.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Paul Albano, A-14651, No. 1417, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the life sentence of Paul Albano, convicted of murder, 1st degree in the Court of Oyer and Terminer of Beaver County on July 10, 1926, be commuted from life imprisonment to a minimum of 12 years 9 months expiring on April 10, 1939, and a maximum of life imprisonment, for deportation to Italy.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Beaver County to life imprisonment in the Western State Penitentiary on the 10th day of July, 1926.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) very cooperative inmate (4) will return to Italy."

The trial judge, Honorable Frank E. Reader, states: "* * * We have no objection to his being paroled on condition that he is deported and returned to Italy." The district attorney, Robert E. McCreary, Esquire, states: "* * * A suggestion was made in one of the earlier applications to the effect that Paul Albano would consent to deportation to Italy in the event that clemency was granted. If deportation be assured we would not oppose clemency for the purpose of accomplishing that very desirable end."

Investigation by the Board of Pardons indicates that the applicant became involved in a quarrel which finally concluded by his shooting and killing the victim. The applicant is unquestionably guilty of the crime, although many of the facts are confused and colored by the sympathy of the various witnesses. The applicant has indicated his desire to return to his native land, Italy. He has agreed to apply for a passport to Italy. There is no detainer lodged against him for deportation by the United States Immegration authorities and therefore this commutation is conditionally recommended upon his return to Italy, and that he shall not be released from the Western State Penitentiary until his passport has been received by him, and that he further sign a waiver of his rights.

The Board therefore recommends that this sentence be commuted on the condition that he immediately leave this country and return to Italy and remain in Italy the rest of his natural life. The applicant will have served 12 years and 9 months of his sentence.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Ned W. Borden, No. 4195, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Ned W. Borden, convicted of fraudulent conversion in the Court of Quarter Sessions of Philadelphia County, on April 14, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of fraudulent conversion and was sentenced by the Quarter Sessions Court of Philadelphia County to pay the costs of prosecution, make complete restitution, and sentence suspended on the 14th day of April, 1938.

The trial judge, Honorable Theodore Rosen, states: "* * * There was considerable doubt, as I remember the facts, concerning the defendant's guilt, and I believe he is entitled to your favorable consideration." The assistant district attorney, James W. Tracey, Jr., states that he had no opinion to express as to the merits of the application but would rely upon the Board and be satisfied with its decision.

Investigation by the Board indicates that the applicant and his victim, W. W. Baxter, were not only in partnership in a business way, but Mr. Baxter was the constable and the applicant was his deputy. The check which was drawn to the order of Mr. Baxter was cashed by Mr. Borden and part of the proceeds were used for the purchase of an automobile license tag. This automobile was used jointly by them in their business. Later on these business partners ran for office of Constable and Mr. Borden was elected the Constable over Mr. Baxter, whereupon Mr. Borden appointed Mr. Baxter as his deputy. The case is confused as to the facts and it would appear to be a prosecution somewhat arising from their temporary differences of opinion in politics.

The Board recommends that a pardon be granted the applicant, believing that it will in part remove the stigma of the crime from the applicant and will be of material assistance to his business advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Wayne R. Carnahan, B-6167, No. 4292, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons reecommend that the minimum sentence of Wayne R. Carnahan, convicted of felonious rape in the Court of Quarter Sessions of Washington County on June 17, 1938 be commuted from 3 years to 10 months expiring on April 17, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of felonious rape and was sentenced by the Quarter Sessions Court of Washington County for from three to nine years in the Western State Penitentiary on the 17th day of June, 1938.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first major conviction (2) excellent institutional record."

The trial judge, Honorable Carl E. Gibson, states: ". . . Perhaps the clearest method of informing the Board regarding the case would be to examine the opinion on the motion for a new trial, which was reviewed by all the judges after having examined the record, and was approved by them." The district attorney, James C. Bane, Esquire, states: ". . . Since the defendant has been in the penitentiary only seven months and because of the fact that he received every consideration at the time of the trial and the subsequent argument we do not believe that the application is meritorious and therefore wish to oppose any commutation of sentence."

Investigation by the Board of Pardons was a very careful one and the first report of our investigator covers ten pages, and the second report about two pages. The facts indicate that the applicant was in the company of the young lady and on the way home late in the evening

drove his car into a by-road and spent about two hours with this woman. The facts are lengthy and our agent summarized them very well by stating that the investigation of the crime makes it doubtful if the applicant ever committed the crime of rape. Statements made by persons who are acquainted with the victim seem to substantiate the fact that he gained her consent to have intercourse with her.

The majority of the Board of Pardons is of the opinion that this offense rises no higher in degree than fornication, and they are persuaded that the applicant did not assault the victim.

The applicant is assured of employment by Mr. E. A. Langford, Manager of the Pittsburgh Branch Health-Mor, Professional Building, 429 Penn Avenue, Pittsburgh. He will reside with his parents in Charleroi, Pa.

The Board therefore recommends that his sentence be commuted. He will have served ten months of his minimum sentence and will be under the supervision of the Board of Pardons until June, 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Stanley Daynarowicz, C-1782, No. 3031, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Stanley Daynarowicz, convicted of murder, 1st degree in the Court of Oyer & Terminer of Schuylkill County on February 13, 1922 be commuted from life imprisonment to a minimum of 16 years and 7 months expiring on April 29, 1939, and a maximum of life imprisonment.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder. He was sentenced by the Oyer and Terminer Court of Schuylkill County to death in the electric chair on the 13th day of February, 1922. This sentence was commuted to life imprisonment on the 29th day of September, 1922.

The Board of Trustees of the Eastern State Penitentiary state that this man has a good institutional record and that he has learned the trade of a tailor and has saved approximately twelve hundred dollars. He has made a definite effort to improve himself.

The trial judge, Honorable Charles E. Berger, states: ". . . Under the circumstances it is my opinion that the ends of justice have in all probability been attained by the punishment which the applicant has already suffered." The former district attorney, Honorable Cyrus M. Palmer, states: ". . . I have no further comment to make. So far as I am personally concerned, I do not oppose the application."

Investigation by the Board of Pardons indicates that this applicant shot and killed one, Konopko, who was assisting him in the operation of his saloon and was discovered by the applicant robbing the cash register. If the facts, as related by the applicant, are true, and the letter of Judge Berger would seem to suggest it, the elements of a first degree murder were not present. Under the circumstances the Board believes that this applicant has been sufficiently punished, for a second degree murder would have entailed a sentence of from ten to twenty years. At present this applicant has served 17 years. The applicant is assured of employment with one, Dominick Kay, Morrisville, Pa., who operates a farm and auto graveyard. He will live with Mr. Kay and will be under Mr. Kay's sponsorship.

The applicant will have served 16 years and 7 months of his sentence and will be under the supervision of the Board of Pardons for the rest of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor

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BOARD OF PARDONS

In re application of Allie Gallagher, B-4017, No. 118A, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Allie Gallagher, convicted of breaking and entering a building with intent to commit a felony in the Court of Quarter Sessions of Lawrence County on March 29th, 1934, be commuted on Bill No. 88 from 2½ years to a minimum of 1 mo., expiring on April 29, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated

for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Albert Schofield Grenfell, No. 4315, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Albert Schofield Grenfell, convicted of operating auto while under influence of intoxicating liquor in the Court of Quarter Sessions of Philadelphia County, on June 17, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of operating an automobile while under the influence of liquor and was sentenced by the Quarter Sessions Court of Philadelphia County for the revocation of his license for one year and was placed on probation for one year on the 17th day of June, 1937.

The trial judge, Honorable Harry S. McDevitt, states: "If the Board sees fit to grant clemency in this case, I have no objection." The assistant district attorney, James W. Tracey, Jr., stated that he had no objection to the granting of the application.

Investigation by the Board of Pardons indicates that he was arrested about two o'clock in the morning by a police officer and was examined soon after by Dr. Freeman, Police Surgeon, and pronounced intoxicated.

The applicant has been assured of a position in the Fire Department of the City of Philadelphia, provided his record is cleared of any crimes or misdemeanors. The applicant has no criminal record and has never been involved in any offense. Our investigation indicates that he bears a very excellent reputation in his community. The applicant is not married and resides with his father and mother in the city of Philadelphia.

The Board is favorably inclined to recommend a pardon for this applicant, believing that it will be of material assistance to him in gaining a worthwhile and permanent employment. The Board therefore recommends that a pardon be granted the applicant.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John J. Goril, B-5833, No. 4273, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John J. Goril, convicted of statutory rape in the Court of Oyer and Terminer of Allegheny County on November 22, 1937, to begin November 18, 1937 be commuted from 3 years to 1 year, 5 months expiring on April 18, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead nolo contendere to the crime of statutory rape and was sentenced by the Court of Oyer and Terminer of Allegheny County to a term of from three to six years in the Western State Penitentiary on the 18th day of November, 1937.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) very good institutional record."

The trial judge, Honorable Elder W. Marshall, states: "* * * Goril married between the time of his arrest and the date of sentence, and I presume the chances are he will behave if placed on parole." The assistant district attorney, Russell H. Adams, stated that he would not oppose the granting of the application.

Investigation by the Board of Pardons reveals that the applicant, with an accomplice, was driving along the road and picked up a fourteen year old girl. The applicant states that he had intercourse with her with her full consent. Both boys were subsequently arrested, the applicant receiving a sentence in the Western State Penitentiary and his accomplice receiving a sentence to the Allegheny County Work House, from which institution he was paroled on the 20th of June, 1938.

The applilcant has no previous criminal record and it is the belief of the Board that in view of the fact that both boys were equally guilty and his accomplice has received a parole, it would be but merciful and just to parole this young man. The board has in its possession a letter from County Detective Matser that the question of the unequal sentences was taken up with Judge Marshall and that he had promised that he would change the sentence of Goril to the same as the sentence of the accomplice. Up to the present time nothing along that line has been done, and for that reason the County Detective recommends favorable consideration of the application.

The applicant is assured of employment by Mr. Morris Akselrad, Manager of the Regent Theatre in McKees Rocks, Pa. The applicant will reside with his wife in McKees Rocks.

The Board therefore recommends that the sentence be commuted. The applicant will have served one year and five months of his minimum sentence and will be under the supervision of the Board of Pardons until November 18, 1943

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Merle Hall, B-6344, No. 4321, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Merle Hall, convicted of perjury in the Court of Quarter Sessions of Crawford County, on September 26, 1938 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of perjury and was sentenced by the Quarter Sessions Court of Crawford County to pay a fine of twenty-five dollars and undergo imprisonment in the Western State Penitentiary for from 1 to 7 years on the 26th day of September, 1938.

The trial judge, Honorable O. Clare Kent, states: "I recommend the granting of a pardon if he has served one-half of his minimum sentence." The district attorney, Herbert A. Mook, Esquire, states: "I can advise you that if the Pardon Board sees fit to commute the sentence of this defendant I have no objection, as I am satisfied that he did not realize the seriousness of the offense and I think he will thereafter keep out of trouble."

Investigation by the Board of Pardons discloses that this young man testified at the trial of one, Ralph Main, falsely. It would appear that his false testimony was given to protect his friend, Ralph Main, and that he did not realize the seriousness of the offense. The Board of Pardons has already recommended and the Commonwealth has granted a pardon to Betty Farrar, Mary Capone and Harold Harmon, accomplices in this case.

The Board is of the opinion that this young man has been sufficiently punished for his crime and that he will never again commit a crime of this nature. The applicant is married and has one small son. He is assured of employment at the Talon Manufacturing Company, Meadville, Pa., at a good salary and he will reside with his wife and mother in Crawford County.

The Board therefore recommends that a pardon be granted, believing that it will in part remove the stigma of the crime and will be of material assistance to him in his business career.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Joseph Kauffman, C-9630, No. 2895, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Joseph Kauffman, convicted of larceny, operating auto without consent of owner, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 9, 1934, be commuted on Bill No. 11 from a minimum of 1½ years to 1 day, expiring on April 10, 1939; and on Bill No. 12 from a minimum of 6 months to 1 day, expiring on April 11, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Albert Minteer, B-2554, No. 119A, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Albert Minteer, convicted of breaking and entering, larceny in the Court of Quarter Sessions of Lawrence County on March 21, 1931, be commuted from 4 years to a minimum of 1 month on Bill No. 146, expiring on April 21, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is

merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Mike Mitchel, B-4531, No. 3716, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Mike Mitchel, convicted of robbery and receiving stolen goods in the Court of Oyer and Terminer of Allegheny County on May 2, 1935, be commuted on Bill No. 44 from a maximum of 4 years to a mixiumum of 3 years, 11 months and 29 days, expiring on May 1, 1939; and on Bill No. 45 from a minimum of 2 years to a minimum of 1 day, expiring on May 2, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341 In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles Morris, C-5304, No. 2447, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Morris, convicted of robbery and larceny of an automobile in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 12, 1929, be commuted on Bill No. 582 from a maximum of 20 years to a maximum of 10 years, expiring on April 12, 1939; and on Bill No. 668 from a minimum of 5 years to a minimum of 1 day, expiring on April 13, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time there-

after, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Jack Patterson, B-6346, No. 4330, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Jack Patterson, convicted of perjury in the Court of Quarter Sessions of Crawford County, on September 26, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of perjury and was sentenced by the Quarter Sessions Court of Crawford County to pay a fine of twenty-five dollars and undergo imprisonment in the Western State Penitentiary for from 1 to 7 years on the 26th day of September, 1938.

The trial judge, Honorable O. Clare Kent, states: ". . . I recommend the granting of a pardon if he has served one-half of his minimum sentence." The district attorney, Herbert A. Mook, Esquire, states: ". . . I can advise you that if the Pardon Board sees fit to commute the sentence of this defendant I have no objection, as I am satisfied that he did not realize the seriousness of the offense and I think he will thereafter keep out of trouble."

Investigation by the Board of Pardons discloses that this young man testified at the trial of one, Ralph Main, falsely. It would appear that his false testimony was given to protect his friend, Ralph Main, and that he did not realize the seriousness of the offense. The Board of Pardons has already recommended and the Commonwealth has granted a pardon to Betty Farrar, Mary Capone and Harold Harmon, accomplices in this case. The Board is of the opinion that this young man has been sufficiently punished for his crime and that he will never again commit a crime of this nature.

The applicant is married and has two small daughters. He is assured of employment by Mr. William L. Brooks, R. D. 8, Meadville, Pa., on his farm. He will reside in Meadville with his wife and children.

The Board therefore recommends that a pardon be granted, believing that it will in part remove the stigma of the crime and will be of material assistance to him in his business career.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Abraham Samson, C-6604, No. 4328, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Abraham Samson, convicted of involuntary manslaughter in the Court of Quarter Sessions of Philadelphia County on March 7, 1938, to begin March 10, 1938 be commuted from 2 years to 1 year and 1 month expiring on April 10, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of involuntary manslaughter and was sentenced by the Court of Quarter Sessions of Philadelphia County to two years in the Philadelphia County Prison on the 7th day of March, 1938.

The trial judge, Honorable Harry S. McDevitt, states: "I have no interest in this matter. Whatever your Board sees fit to do has my approval." The district attorney, James W. Tracey, Jr., states that the applicant has served a substantial portion of his sentence, and that he is neither opposed nor in favor of the application, but relies entirely on the decision of the Board of Pardons.

Investigation by the Board would indicate that this applicant rented from the Fidelity-Philadelphia Trust Company a building at 519 South 15th Street, Philadelphia. This building collapsed causing the death of seven persons and injuring ten or fifteen others. It was shown that the cause of the collapse was a defect in the foundation wall, although this house was used as a tenement and was in a bad state of repair. The immediate cause of the collapse was the crumbling of the foundation. These houses were at least fifty to seventy-five years old and it was shown that in that day cement was not used as a binder, but rather lime mortar. Time and motor traffic had slowly weakened this foundation and the collapse which caused the death of these people was inevitable. The applicant under his lease with the Fidelity Philadelphia Trust Company, was not obliged or under any obligation to repair the foundation walls. The Board believes that this applicant has been sufficiently punished for this error of ommission and therefore recommends that his sentence be commuted.

The applicant will be employed by his father and will reside with his wife and son in Philadelphia. He will have served one year and one month of his sentencee.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.

CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Frank Yoncuskie, C-5432, No. 4302. March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Yoncuskie, convicted of breaking and entering, larency and receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Northumberland County on May 29, 1929, be commuted on Bill No. 13 from a min. of 5 years to a min. of 1 day, expiring on May 30, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Joseph A. Bannon, C-8904, No. 2750, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Joseph A. Bannon, convicted of burglarly in the Court of Oyer and Terminer of Lackawanna County on April 15, 1933, be commuted on Bill No. 33C from a minimum of 5 years to a minimum of 1 year and 1 month, expiring on May 15, 1939; and on Bill No. 33D from a minimum of 5 years to a minimum of 1 day, expiring on May 16, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of burglarly and was sentenced by the Oyer and Terminer Court of Lackawanna County for from 15 to 30 years in the Eastern State Penitentiary on the 15th day of April, 1933.

The Board of Trustees of the Eastern State Penitentiary state that his institutional record is satisfactory and that he has attended school for two years and has made excellent progress in his studies. He had one prior conviction for stealing a motor vehicle for which he was sent to the Pennsylvania Industrial School.

The present judge, Honorable Will Leach, states: "I know of no facts to contradict the statements of the applicant in the above case." The assistant district attorney, Edwards, stated that he had no objection to paroling the prisoner. Honorable William L. Monahan, Mayor of the City of Carbondale, states: ". . . Since Joseph has received this punishment I feel it will help to make him a better citizen when paroled. Considering this, I will sponsor him . . . upon his release . . . for a job as laborer with the street department of Carbondale."

Investigation by the Board of Pardons indicates that this young man was undoubtedly guilty of the crime for which he was convicted. However, his conduct in the penitentiary has been so exemplary and his studious habits in preparation for his release have encouraged those persons interested in him to believe that he will conduct himself in a law-abiding manner. Undoubtedly the applicant received a severe sentence for the crime, in view of his age and prior record.

The applicant is assured of employment by the city of Carbondale and will be under the sponsorship of the Mayor of that city. He will reside with his wife in Carbondale. The Board therefore recommends that a commutation of his sentence be granted.

The applicant will have served six years and one month of his minimum sentence and will be under the supervision of the Board of Pardons until 1949.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Henry L. Dayless, D-3172, No. 4206, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Henry L. Bayless, convicted of fraudulently making a written instrument, uttering and publishing in the Court of Oyer & Terminer and Quarter Sessions of Susquehanna County on June 6, 1938 be commuted from 1½ years to 11 months expiring on May 6, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of fraudulently making a written instrument, uttering and publishing and was sentenced by the Court of Oyer and Terminer and Quarter Sessions of Susquehanna County to imprisonment in the Eastern State Penitentiary for from one and one-half to three years on the 6th day of June, 1938.

The Board of Trustees of the Eastern State Penitentiary state: "The Warden of the Susquehanna County Prison states that this man has an exceptional record in his institution."

The investigation of the Board of Pardons indicates that this applicant was sentenced by the United States District Court in January, 1937, to serve one and one-half years in the North Eastern Penitentiary, Lewisburg, Pennsylvania. Upon his release the Susquehanna County authorities arrested him and sentenced him to imprisonment in the Eastern State Penitentiary for from one and one-half to three years for the same offense. It is the opinion of the Board that this man has been sufficiently punished for his crime, for when sentenced by the Federal Court it was understood that the Susquehanna County indictment would be quashed. The applicant did not personally profit from the crime, but was guilty of attempting to carry on an illegal bank practice.

The Board therefore recommends a commutation. The applicant is assured of employment in Susquehanna, Pennsylvania, and will reside with his wife and family in Forest City, Pennsylvania.

He will have served eleven months of his minimum sentence and will be under the supervision of the Board of Pardons until June 6, 1941.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Burke, No. 4348, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Burke, convicted of arson, conspiracy, attempting to burn building in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on July 29, 1936 be commuted from 3 years to 2 years and 9 months expiring on April 29, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of arson, conspiracy, attempting to burn building. He was sentenced by the Oyer and Terminer and Quarter Sessions Court of Delaware County for from 3 to 10 years in the Delaware County Prison and to pay a fine of three hundred dollars on the 29th day of July, 1936.

The trial judge, Honorable John M. Broomall, stated: "It is true that three other of the boys involved in the same crimes served less than their minimum sentences. I think it is entirely proper that this young man be paroled." The assistant district attorney, Guy DeFuria, stated before the Board that the district attorney's office was not opposed to the commutation as he believed justice would be accomplished if the applicant were released now.

Investigation by the Board of Pardons reveals that this applicant, with two accomplices, was guilty of arson. One of the accomplices was commuted by the Board and the other two have been released on probation. It is unquestionably true that these boys were guilty of the crime for which they were convicted. All of them were committed to the Delaware County Prison at Broad Meadows and this applicant received the most severe sentence. The Board did not receive a report from the Warden of the Delaware County Prison as to the applicant's behavior, but from all accounts he has behaved himself properly.

The applicant has almost served his three year minimum term and there seems to be no good purpose for his continued confinement. The applicant is assured of employment by Mr. Harry Magargle, Upper Darby, Pa., who conducts a grocery store and he will be under the supervision of Mr. Magargle.

The applicant will reside with his parents in Upper Darby. The applicant will have served two years and nine months of his minimum sentence and will be under the supervision of the probation department of Delaware County until 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Joseph Dowgwillo, C-8495, No. 3202, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Joseph Dowgwillo, convicted of robbery, being armed with an offensive weapon, larceny, receiving stolen goods, in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on December 6, 1932, be commuted on Bill No. 12 from a minimum of 8 years to a minimum of 6 years and 5 months, expiring on May 6, 1939; and on Bill No. 9 from a minimum of 4 years to a minimum of 1 day, expiring on May 7, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon, larceny and receiving stolen goods. He was sentenced for from 12 to 24 years in the Eastern State Penitentiary by the Oyer and Terminer Court of Bucks County on the 6th day of December, 1932.

The Board of Trustees of the Eastern State Penitentiary state that he has maintained an excellent record in the Penitentiary where he is employed in the store house and is considered a trustworthy worker.

The trial judge, Honorable Calvin S. Boyer states: "I am entirely satisfied to leave the matter to the judgment of the Board. The Honorable Hiram H. Keller, also a trial judge, states: "In my opinion it is too early to ask for a commutation of sentence, although rely on the sentiments expressed by Judge Boyer. The district attorney,

Edward G. Biester, states: "We believe that the statement of the facts is correct and we neither urge the granting of the commutation nor oppose it."

Investigation by the Board of Pardons indicates that this man is unquestionably guilty. He was a young man of about eighteen years of age when these crimes and prior ones were committed by him. Since his confinement he has improved his education and has taken advantage of the schools. The prison Chaplain, Reverend Bernard C. Farley, states that it was his opinion that this applicant is a good parole risk, and that he has studied and worked hard.

The applicant is assured of employment with the Brotherhood of Transportation Workers and will be under the sponsorship of Father Monkiewicz, Pastor of St. Adalbert's Polish Catholic Church, Philadelphia, and will reside with his parents in Philadelphia. The Board therefore recommends that his sentence be commuted.

The applicant will have served 6 years and 5 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1949.

Respectfully, submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of James Filippone, B-5891, No. 3922, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Filippone, convicted of robbery, accessory before the fact in the Court of Oyer and Terminer and Quarter Sessions of Butler County on January 10, 1938, to begin January 5, 1938, be commuted from 2 years to 1 year & 4 months, expiring on May 5, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and accessory before the fact. He was sentenced by the Oyer and Terminer and Quarter Sessions Court of Butler County for from 2 to 4 years in the Western State Penitentiary on the 10th day of January, 1938.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record."

The trial judge, Honorable John H. Wilson, did not reply to our letter of inquiry. The district attorney, Lee C. McCandless, states: ". . . This office feels that the application merits the approval of the Board, and whatever is done with any of the boys should be done with all of them involved in this matter."

The Chief of Police of Butler, Pa., states: "The above named subject was only arrested once to my knowledge and is at the present time in Western Penn. Pittsburgh, Pa. I do not know of any reason that he should not be paroled."

Investigation by the Board of Pardons indicates that this applicant is serving his first conviction. He was eighteen years of age at the time of his arrest and it was stated that he was under the control of two older boys, each of whom has criminal records. This crime was the boyhood one of stealing a pocketbook. There appeared to be no reason why this young man should indulge in this law violation, other than the influence of his companions. His parents enjoy a good reputation in Butler.

The Board believes that this young man has been sufficiently punished and there is every probability that he will not violate the law after he is released. He is assured of employment by Mr. Sam Mahan, Butler, Pa., as a truck helper and will reside with his parents in the same city.

The Board therefore recommends that his sentence be commuted. He will have served 1 year and 4 months of his minimum sentence and will be under the supervision of the Board of Pardons until January, 1942.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Benjamin Harrison Gamber, B-2612, No. 1934, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Benjamin Harrison Gamber, convicted of murder, 2nd degree in the Court of Oyer & Terminer of Bedford County on April 20, 1931 be commuted from 10 years to 8 years and 1 month expiring on May 20, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Bedford County for from 10 to 20 years in the Western State Penitentiary on the 20th day of April, 1931.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction for felony (2) excellent work and conduct records (3) very cooperative inmate (4) has served 8 years."

The trial judge, Honorable Thomas F. Bailey, states: ". . . I believe that this man should be paroled. The murder here clearly lacked many of the elements of premediated homicide and I think that no good can be accomplished by further confinement." The present district attorney, Richard W. Lins, states: ". . . We are willing to allow this case to be decided by your Honorable Board, knowing that your decision will be fair and just under all the circumstances of this particular crime."

Investigation by the Board of Pardons reveals that the applicant, in a dispute over some liquor, shot and killed his brother-in-law. The applicant was unquestionably guilty, although under the influence of liquor which the group had consumed prior to the fatal shooting. The applicant was represented at the hearing by his sister Mrs. W. B. Brown, who made a strong plea in his behalf, pointing out that this applicant was the black sheep of the family. The sponsor and employer of the applicant, his brother Mr. Edward Gamber, of Coalmont, Colorado, was present and assured the Board that upon his release he would take him to his six hundred acre farm in Colorado. The applicant has conducted himself in the prison in an exemplary manner.

The Board believes that the parole program for this applicant is an exceptional one and there is every confidence that the applicant, under the care and attention of his brother, will live a law-abiding life.

The applicant has served 8 years and 1 month of his minimum sentence and will be under the supervision of the Board of Pardons until April, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Thomas Iozia, B-3835, No. 4357, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Thomas Iozia, convicted of Robbery in the Court of Quarter Sessions of McKean County on October 7, 1933 be commuted from 10 years to 5 years and 7 months expiring on May 7, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery and was sentenced by the Oyer and Terminer and Quarter Sessions of McKean County to pay a fine of two thousand dollars and imprisonment in the Weestern State Penitentiary for from 10 to 20 years on the 7th day of October, 1933.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first imprisonment (2) very good institutional records."

The trial judge, Honorable V. Bouton, is deceased, and the present judge, Honorable Charles G. Hubbard, states: ". . . If it were not for his past record, I think I might feel definitely favorable toward the granting of clemency. Under all the circumstances, I am neither urging that his request be granted nor that it be refused." The district attorney of McKean County did not reply to our letter of inquiry.

Investigation by the Board of Pardons indicates that this applicant is unquestionably guilty of the crime for which he was sentenced and together with three accomplices who were given similar sentences to the penitentiary. During his confinement in the Western State Penitentiary the applicant has made some attempts to rehabilitate himself and has acquired a high school education while in the penitentiary.

The applicant has a detainer lodged against him from the New Jersey Courts but the Board is assured by the Honorable John J. Breslin, prosecutor of the Pleas of Berger County, New Jersey, that they will nolle prosse these indictments.

The applicant has been assured of employment by the Ideal Dairy Farm, Paterson, New Jersey, and he has prepared himself for this work by studying a course of Dairy Farming offered by the Pennsylvania State College. He will reside with his parents in Paterson, New Jersey.

The Board therefore recommends that the sentence be commuted. He will have served five years and seven months of his minimum sentence and will be under the supervision of the board of Pardons until 1953.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Morris V. Jones, B-6350, No. 4341, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Morris V. Jones, convicted of perjury in the Court of Quarter Sessions of Crawford County, on September 26, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of perjury and was sentenced to pay a fine of twenty-five dollars costs of prosecution and imprisonment in the Western State Penitentiary for from 1 to 7 years by the Quarter Sessions Court of Crawford County on the 26th day of September, 1938, to begin September 20, 1938.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record."

The trial judge, Honorable O. Clare Kent, states: ". . . I respectfully recommend that a pardon be granted after serving one-half of his sentence, pronounced September 26, 1938." The district attorney, Herbert O. Mook, states: ". . . All accomplices of these two young men, with the exception of Ralph Main, have already been pardoned or paroled and its seems to me that these two should be given the same treatment as the others."

Investigation by the Board of Pardons indicates that this applicant, together with seven accomplices, perjured themselves at the trial of one, Ralph Main, involving the sale of intoxicating liquor. Two of the accomplices, Mary Capone and Betty Farrar, were recommended for pardon by the Board in December, 1938. Harold Harmon was recommended in February, 1939. Jack Patterson and Merle Hall were recommended for pardon at the March meeting of the Board of Pardons, 1939.

The applicant is assured of employment by Mr. Robert A. Culbertson, operator of a gasoline station at Meadville, and will be under the sponsorship of Reverend D. P. Shafer, Meadville, Pa. He will reside with his parents, Mr. and Mrs. L. W. Jones, Meadville, Pa. The Board is of the opinion that this applicant has been sufficiently punished and that he will not be guilty of any crime in the future.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Fred Lagrosse, C-8979, No. 2726, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Fred Lagrosse, convicted of breaking jail and larceny of an automobile in the Court of Oyer and Terminer and Quarter Sessions of Dalaware County on June 5, 1933, be

commuted on Bill No. 325 from a minimum of 5 years to a minimum of 1 day, expiring on June 6, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
Name of Secretary of Internal Affairs deleted, before execution.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Rudolph Leitz, C-7828, No. 3928, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Rudolph Leitz, convicted of larceny of an automobile in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on March 4, 1932, be commuted from 10 years to a maximum of 7 years and 2 months, expiring on May 4, 1939; and that the minimum sentence of Rudolph Leitz, convicted of riotous destruction of buildings in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on September 19, 1934, be commuted from 3 years to a minimum of 1 day, expiring on May 5, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny of an automobile and was sentenced by the Court of Quarter Sessions of Delaware County for from 4 to 10 years in the Eastern State Penitentiary on the 4th day of March, 1932.

The applicant also plead guilty to the crime of riotous destruction of buildings while in prison and was sentenced by the Quarter Sessions Court of Montgomery County on the 19th day of September, 1934, for from 3 to 6 years, sentence to begin at the expiration of the maximum of the original sentence, March 4, 1942.

The Board of Trustees of the Eastern State Penitentiary state that the applicant's institutional record was good before and after the August riots of 1934. He has made excellent progress in his studies and is employed in the print shop where he is considered a good worker.

The Honorable George C. Carson, who sentenced him for prison rioting was non-committal in his reply. The Honorable Roger Fronefield, who sentenced the applicant on the original sentence did not reply to our letter of inquiry. The assistant district attorney, Guy DeFuria, stated that in view of the fact that he had served more than the minimum term of the sentence of Delaware County he would rely on the word of the prison authorities and the decision of the Board in the matter of the additional time for prison rioting.

Investigation by the Board of Pardons indicates that in all probability this applicant was guilty of both crimes but he has served the total of his minimum terms and in view of his efforts to rehabilitate himself and his excellent conduct since the riots it is felt by the Board that mercy can well be extended to him. The prison authorities speak very well of his conduct and behavior.

The Board therefore recommends that the sentence be commuted. The applicant will have served 7 years and 2 months of his original maximum sentence and will be under the supervision of the Board of Pardons until 1945.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
Not sitting.
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Ray K. Marsden, C-9349, No. 120A, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Ray K. Marsden, convicted of breaking and entering and larceny in the Court of Oyer and Terminer and Quarter Sessions of Schuylkill County on December 11, 1933, be commuted on Bill No. 63B from a minimum of 1 year to a minimum of 1 day, expiring June 12, 1939; on Bill No. 138 from a minimum of 1 year to a minimum of 1 day, expiring June 13, 1939; and on Bill No. 138A from a minimum of 1 year to a minimum of 1 day, expiring June 14, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme

Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
Name of Secretary of Internal Affairs deleted, before execution.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of Charles Medinski, C-7999, No. 2537, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Medinski, convicted of burglary, breaking and entering with intent to steal in the Court of Oyer and Terminer of Lackawanna County on May 7, 1932, be commuted on Bill No. 221 from a minimum of 5 years to a minimum of 2 years, expiring on May 7, 1939; and on Bill No. 236 from a minimum of 5 years to a minimum of 1 day, expiring on May 8, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary, breaking and entering with intent to steal, and was sentenced by the Court of Oyer and Terminer of Lackawanna County for from 15 to 30 years in the Eastern State Penitentiary on the 7th day of May, 1932.

The Board of Trustees of the Eastern State Penitentiary state that this man's record is satisfactory and that he has employed his leisure time in wood carving.

The present judge, Honorable Will Leach states: "I know of no facts to contradict the statements of the applicant in the above case." The assistant district attorney, Edwards, stated that he would have no objection to the granting of the application.

Investigation by the Board of Pardons indicates that two of the five accomplices of the applicant have been released. This young man has shown by his diligence and study in the penitentiary that he is a safe parole risk. The prison Chaplain, Reverend Be nard C. Farley, stated to the Board that it was his opinion that this young man will live a law-abiding life and that he is in splendid mental and physical shape.

Employment is guaranteed by Mr. T. J. McGrath as a truck driver and he will reside at the Catholic Y.M.A., in Philadelphia, and will be under the sponsorship of Reverend T. A. Brady and Reverend Bernard C. Farley. The Board is of the opinion that this young man has been sufficiently punished and that under proper sponsorship and employment he will not violate the law in the future. The Board therefore recommends that his sentence be commuted. He will have served 7 years of his minimum sentence and will be under the supervision of the Board of Pardons until 1949.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of Norman M. Morrison, C-5829, No. 4326, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Norman M. Morrison, convicted of murder, 1st degree in the Court of Oyer and Terminer of Cumberland County on December 23, 1929, be commuted from life imprisonment to a minimum of 9 years, 5 months, expiring on May 23, 1939, and a maximum of life imprisonment.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Cumberland County to life imprisonment in the Eastern State Penitentiary on the 23d day of December, 1929.

The Board of Trustees of the Eastern State Penitentiary state that this applicant is now completely blind but he has learned advanced Braille reading and can now operate an ordinary typewriter and a braille typewriter. He works at making toys and is quite proficient in this type of activity. If released he will be employed as a teacher in a Braille school and he has definitely prepared himself for this work.

The trial judge, Honorable E. M. Biddle, Jr., did not reply to our letter of inquiry. The present judge, Honorable Fred S. Reese, states: "If the prison authorities and the Board of Pardons feel that he is ready for rehabilitation and release, I am heartily in favor of the plan which has been worked out for him and would interpose no objection whatever to clemency at this time." The present district attorney, J. Boyd Landis, states that he has no

comment to make one way or the other in behalf of the applicant.

The Pennsylvania Prison Society has taken a great interest in this applicant and has assured the Board that he will be admitted to the Philadelphia Working Home for the Blind where he will be employed as an instructor. Likewise, the Superintendent, John H. Meader, of the Working Home for the Blind, assured the Board of his admittance to this institution and employment. Investigation by the Board of Pardons reveals that this applicant shot and killed his sweetheart in 1923 and then turned the revolver on himself, the bullet going into his head, making him totally blind and deaf in one ear. He was committed to the Farview State Hospital and upon his release in 1929 he was tried and convicted and sentenced by the Cumberland County Court.

The report of Dr. Philip Q. Roche, Psychiatrist at the Eastern State Penitentiary, is summarized as follows: "This inmate's institutional record has been excellent and at no time has there been any indication of abnormal mental condition. He is above average in intelligence and has demonstrated a rather unusual capacity for personal adjustment and for learning, notwithstanding his handicap of deprived sight. A review of the inmate's personal history and of the circumstances surrounding his crime is inconclusive for mental disorder. At present there is no laboratory or clinical evidence of syphilitic disease of central nervous system."

The Board believes that this man who committed a crime in 1923, and was confined in a mental institution for six years, and then tried and convicted and confined in the Eastern State Penitentiary for an additional ten years, is worthy of the consideration and mercy of the Board. Particularly so, when it is considered that this man, with a tremendous physical handicap, has by study and perseverance equipped himself to take his place in the world. By his own hands he can earn a living making toys and by his ability to instruct others he will be of assistance to the blind in this State by instructing them in the Braille system.

The Board therefore recommends that the sentence be commuted. The applicant will have served 9 years and 5 months of his life sentence and will be under the supervision of the Board of Pardons for the rest of his natural life.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of David Moskowitz, No. 4337, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that David Moskowitz, convicted of violation of election laws, intentionally interfering with Inspector of Registration in the Court of Quarter Sessions of Philadelphia County, on March 16, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of violation of the election laws and was fined fifty dollars and costs and disfranchisement for four years by the Court of Quarter Sessions of Philadelphia County on the 16th day of March, 1936.

The trial judge, Honorable Harry S. McDevitt, states: ". . . If you see fit to pardon him, I have no objection to it." The assistant district attorney, James W. Tracey, Jr., stated that he had no objection to the pardoning of the applicant.

Investigation by the Board of Pardons indicates that this man was arrested and convicted as a result of a fight at a polling place in Philadelphia on a day when the voters were being registered. The facts in this quarrel are complicated as they involve relatives of the applicant, election officers, and registrants. The applicant never had a previous criminal record and his conduct since his conviction has been excellent.

The applicant is now employed in the office of the County Commissioner of Philadelphia County. He resides with his wife and son in Philadelphia.

The Board is of the opinion that the applicant has been sufficiently punished and recommends that a pardon be granted, in order that the stigma of the crime may in part be removed from the applicant and his family.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
Not Sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Sol Moskowitz, No. 4338, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Sol Moskowitz, convicted of violation of the election laws, illegal assistance to voters at a General Election in the Court of Quarter Sessions of Philadelphia County, on March 4, 1936 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of violation of the election laws and was sentenced by the Quarter Sessions Court of Philadelphia County to one year in the Philadelphia County Prison and a fine of $1000 on March 4, 1936. On April 3, 1936, sentence was reconsidered and petitioner sentenced to 30 days in the County Prison from commitment. On June 12, 1936, Judge McDevitt amended the sentence to include disfranchisement of the petitioner for a term of 4 years to date from April 3, 1936.

The trial judge, Honorable Harry S. McDevitt, stated: ". . . I first gave him a year, but then reconsidered it because he has only one arm, and made it thirty days. I have no objection to a pardon, if you see your way clear to grant one." The assistant district attorney, James W. Tracey, Jr., stated that he had no objection to the granting of the application for a pardon.

Investigation by the Board of Pardons indicates that in all probability the applicant was guilty of illegally assisting voters in the General Election held on November 5, 1935. There is every reason to believe that no attention would have been paid to Moskowitz's conduct if it had not been for the exceptionally bitter election fight in November, 1935. The applicant had never violated any law prior to this conviction and since his release from the Philadelphia County Prison he has led a law-abiding life.

The applicant is now employed as a clerk in the office of the clerk of the Court of Quarter Sessions of Philadelphia County and enjoys a splendid reputation in his community. He will reside with his family in Philadelphia and he is eager that his name be cleared of this crime.

The Board therefore recommends that a pardon be granted so that the applicant may have better opportunities for advancement.

A pardon will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not Sitting,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Aloysius Mullin, No. 4374, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Aloysius Mullin, convicted of receiving stolen goods in the Court of Quarter Sessions of Philadelphia County, on May 29, 1925, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of receiving stolen goods and was sentenced by the Quarter Sessions Court of Philadelphia County for from two to four years in the Philadelphia County Prison on the 29th day of May, 1925.

The trial judge, Honorable Edwin O. Lewis, did not reply to our letter of inquiry. The assistant district attorney, James W. Tracey, Jr., stated that he had no objection to the granting of a pardon to the applicant.

Investigation by the Board of Pardons indicates that in all probability the applicant was guilty of the crime for which he was convicted. However, since his release he has conducted himself in a law-abiding manner, and prior to his arrest he had never been involved in any criminal undertaking. The applicant now conducts a restaurant and taproom at 236 S. 40th Street, Philadelphia, and inquiry developed that he conducts there a business that enjoys a good reputation. His respectability, good character, honesty, and law-abiding life is attested by letters from various prominent citizens of the city of Philadelphia, including the Recorder of Philadelphia County, David W. Harris; First Vice-Commander, Howard C. McCall Post No. 20 of the American Legion, William J. Lambert; Assistant Fire Marshall, John P. Butler, Jr., and others active in business and professional circles.

The Board believes that this man, by his good conduct is worthy of the clemency of the State and recommends that a full pardon be granted.

A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not Sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Joseph O'Neill, C-7328, No. 2666, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of John Joseph O'Neill, convicted of murder, 1st degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 18, 1931 be commuted from life imprisonment to a minimum of 7 years and 9 months, expiring on June 18, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Philadelphia County to life imprisonment in the Eastern State Penitentiary on the 18th day of September, 1931.

The Board of Trustees of the Eastern State Penitentiary state: "* * * Applicant's previous record consists of two arrests. One for reckless driving and one that resulted in a conviction for robbery. When sentenced on the present charge, the robbery conviction was made to run concurrent."

The trial judge, Honorable Harry S. McDevitt, states: "* * * I can see no reason why I should recommend clemency, even if DiPietro were acquitted." The assistant district attorney, James W. Tracey, Jr., stated before the Board that the applicant had served a substantial portion of his time and that he will be satisfied with any action of the Board on this application.

Investigation by the Board of Pardons indicates that this applicant, together with his friends, Hugh O'Brien, Thomas Doyle and Fred DiPietro, drove an automobile into South Philadelphia, where DiPietro and Doyle entered the store of the victim and robbed and mortally wounded one, Jacob Levin. The applicant and his companion, O'Brien, were somewhat under the influence of liquor, did not enter the store, and claim to have absolutely no knowledge that Doyle and DiPietro intended to rob or shoot Levin. DiPietro at his trial was acquitted. The applicant and O'Brien plead guilty and helped the Commonwealth by their testimony and in the preparation of the case.

It is the feeling of the Board that this applicant was the innocent victim of a chain of circumstances that culminated in his trial and sentence. From all the facts that are learned by the Board it appears that neither the applicant nor O'Brien had absolutely any knowledge of the evil purpose of their two accomplices, men who were much older.

The applicant has improved himself while in the penitentiary and has learned the printing trade. His behavior has been very satisfactory. He has been offered employment by Mr. William Logan, Philadelphia, who conducts an undertaking business. He will be under the sponsorship of Reverend Bernard C. Farley, Chaplain of the Eastern State Penitentiary and will reside with his parents in Philadelphia.

The Board therefore recommends that a commutation be granted. The applicant will have served 7 years and 9 months of his sentence and will be under the supervision of the Board of Pardons for the rest of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not Sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Mariano Patelmo, C-1301, No. 833, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Mariano Patelmo, convicted of robbery and larceny in the Court of Oyer and Terminer of Chester County, on February 3, 1922, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery and larceny and was sentenced by the Oyer and Terminer Court of Chester County from 29 to 30 years in the Eastern State Penitentiary on the 3d day of February, 1922. Under the Ludlow Act of 1931 the minimum was cut to one-half of the maximum and therefore the sentence reads 15 to 30 years. The applicant was paroled by commutation of his minimum term to the custody of the Supervisor of Paroles on the 22d day of July, 1932.

The Board of Trustees of the Eastern State Penitentiary state that their attitude is dependent upon the report of the Supervisor of Paroles.

The trial judge, Honorable W. Butler Windle, Jr., states: "* * * Apparently he is behaving himself well while on parole and I see no reason why he should not now be pardoned. I have no suggestion to make to the Board in that respect." The district attorney, Raymond B. Reid, states: " * * * These men held up the bank at noontime at the point of guns and would have killed were it necessary. I object to the granting of a pardon most strenuously."

Before the Board of Pardons it was stated that this applicant is one of the outstanding successes of our parole system. He is the owner and operator of a store in Philadelphia and has conducted himself in an exemplary manner since his release. The Board therefore recommends that this man be granted a full pardon in order that he may not only expand his business but at the same time qualify for American citizenship.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Harley Plum, No. 4316, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harley Plum, convicted of Driving an Automobile While Under Influence of Intoxicating Liquor in the Court of Quarter Sessions of Allegheny County, on November 4, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of operating a motor vehicle while under the influence of intoxicating liquor. He was sentenced by the Quarter Sessions Court of Allegheny County to one year on probation and to pay a fine of twenty-five dollars on the 4th day of November, 1937.

Investigation by the Board of Pardons reveals that this applicant is now incarcerated in the Federal Penitentiary at Atlanta for the theft of a motor vehicle and is desirous of receiving a pardon for this minor offense so that he may be eligible for a parole from the Federal penitentiary. The accident which occurred in Allegheny County due to his intoxication has been adjusted by the payment of all damages suffered by the owner of the parked car which the applicant struck.

The trial judge, Honorable Harry H. Rowand, did not reply to our letter of inquiry, but the assistant district attorney, Russell H. Adams, stated that he had no objection to the application.

The applicant will be released from the Federal Penitentiary under the supervision of the Federal parole officers and the Board felt that he had been sufficiently punished for the misdemeanor committed in Pennsylvania, and that his release on parole from the Federal penitentiary under strict supervision would be satisfactory.

The Board therefore recommends that a full pardon be granted this applicant.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Walter Rogalski, C-6839, No. 4378, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Walter Rogalski, convicted of arson in the Court of Oyer and Terminer of Bucks County on February 16, 1931, be commuted on Bill No. 42 from a minimum of 10 years to a minimum of 8 years and 4 months, expiring on June 16, 1939; and on Bill No. 43 from a minimum 10 years to a minimum of 1 day, expiring on June 17, 1939, for deportation to Poland.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of arson and was sentenced by the Oyer and Terminer Court of Bucks County for from 20 to 40 years in the Eastern State Penitentiary on the 16th day of February, 1931.

The Board of Trustees of the Eastern State Penitentiary state that his conduct in the institution has been satisfactory, that he has devoted his spare time to study. He is employed in the Knitting Department and has saved about $160. A detainer is on file for deportation.

The trial judge, Honorable Hiram H. Keller states: "I have no objection to the granting of a commutation to enable deportation of the applicant. I strongly encourage it and I am willing to cooperate with the Board for this purpose." The district Attorney, Edward G. Biester, states: "If this applicant is released subject to deportation I will have no objection to the granting of the petition."

Investigation by the Board of Pardons indicates that this man is unquestionably guilty of the crime. He is a World War Veteran and was gassed overseas. Our agent was of the opinion that the applicant was mentally ill at the time of the crime. The Board of Pardons therefore recommends a commutation of his sentence, subject to his deportation to Poland. If the deportation cannot be effected he is to remain at the penitentiary until such time as the authorities can deport him.

The applicant will have served 8 years and 4 month of his minimum sentence.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Earl Ross, C-7346, No. 2369, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Earl Ross, convicted of highway robbery in the Court of Oyer and Terminer of Carbon County, on September 18, 1931 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Carbon County for from eight to sixteen years in the Eastern State Penitentiary and to pay a fine of one thousand dollars on the 18th day of September, 1931. The applicant was paroled by the commutation of his sentence on the 30th day of September, 1935.

The Board of Trustees of the Eastern State Penitentiary base their attitude and report on that furnished by the Supervisor of Paroles.

The trial judge, Honorable William G. Thomas, did not reply to our letter of inquiry. The present district attorney, Albert Heimbach, states: "I do not know of any reason why John Earl Ross should not be granted a full pardon at this time. This office has no desire to oppose the same."

The Supervisor of Paroles states: "I do not consider his reasons for a pardon strong enough to warrant such action. He has not as yet completed his original amount of time imposed by the Court, which was eight years. I do not recommend favorable consideration of this application."

Investigation by the Board of Pardons indicates that this young man, with no prior criminal record, arrived in Mauch Chunk, a stranger, got into a taxicab and drove towards Pottsville. He threatened to hold up the driver of the cab, who fled the scene. The applicant continued on to Pottsville and was arrested sleeping in the stolen car.

Since his release from the penitentiary on a commutation the applicant has been employed by Mr. E. Majo, who owns a poultry farm near Lambertville, New Jersey. Reverend Farley states that this applicant desires to leave Pennsylvania and to travel and that parole supervision would prevent him from carrying out this desire. He likewise intends to apply for a license as a truck driver, which requires a bond.

The Board therefore recommends that a full pardon be granted, believing that it will in part remove the stigma of the crime and will be of material assistance to his business advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Fred Del Rossi, No. 4370, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Fred Del Rossi, convicted of unlawful possession and transportation of intoxicating liquor in the Court of Quarter Sessions of Philadelphia County, on January 17, 1929, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of unlawful possession and transportation of intoxicating liquor. He was placed on probation by the Quarter Sessions Court of Philadelphia County for one year, on the 17th day of January, 1929.

The trial judge, Honorable Raymond MacNeille, stated: "* * * He was placed on probation by me for that offense, and his record on probation appears to be good. I am sure that any conclusion at which your Board arrives will be satisfactory." The assistant district attorney, James W. Tracey, Jr., stated that he was not opposed to the granting of the application and Mr. Del Rossi had a good record while on probation.

Investigation by the Board of Pardons indicates that this applicant, now about 37 years of age, was unquestionably guilty of the crime of transportation of liquor. Since his conviction he has not transgressed the law and our investigation indicates that his reputation has been excellent. He is now employed as a writ server by the Sheriff of Philadelphia County and he is anxious that his record be cleared so that he may advance himself.

The Board is of the opinion that this man's conduct is worthy of the mercy of the Commonwealth and therefore recommends that a full pardon be granted. A pardon will in part remove the stigma of the crime from the applicant and will be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
Not Sitting,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Hugh Shevlin, No. 4333, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Hugh Shevlin, convicted of conspiracy in the Court of Quarter Sessions of Philadelphia County, on April 9, 1897, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of conspiracy and was sentenced by the Quarter Sessions Court of Philadelphia County to pay a fine of two hundred dollars and costs, and sentence was suspended, on the 9th day of April, 1897.

The trial judge, Honorable Harmon Yerkes, is deceased,

and the present judge, Harry S. McDevitt, stated that he was at a loss to understand how a man with a criminal record could obtain a license to act as a private detective. The assistant district attorney, James W. Tracey, Jr., stated that he was not opposed to the granting of the application.

Investigation by the Board of Pardons indicates that this applicant had a criminal record up to 1908, and was released from the New Jersey State Penitentiary in 1914. Since that date, a period of approximately 25 years, he has been a law-abiding citizen and is now employed by the Pinkerton National Detective Agency and has been so employed by them since 1921. The applicant resides in New York City and has the sponsorship of the Honorable Joseph Buffington, Judge of the United States Circuit Court. Judge Buffington has written a long letter in his behalf and assures the Board of his constant supervision of this man.

An Act of the General Assembly of New York in 1936 prohibits the licensing of any person as a detective, who has been convicted of any crime. This law will prevent the applicant from earning a livelihood.

The Board believes that this man has so conducted himself during the past 25 years as a law-abiding citizen that he merits the mercy of the Commonwealth. The Board therefore recommends that a pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Joseph Tagg, Jr., C-7101, No. 2497, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of John Joseph Tagg, Jr., convicted of murder, 1st degree, in the Court of Oyer and Terminer of Bucks County on May 25, 1931, be commuted from life imprisonment to a minimum of 8 years, expiring on May 25, 1939, and a maximum of life imprisonment.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Bucks County to life imprisonment in the Eastern State Penitentiary on the 25th day of May 1931.

The Board of Trustees of the Eastern State Penitentiary state that the applicant has no known previous criminal record and that his institutional record has been satisfactory. During his incarceration he has taken correspondence courses and has been employed in the shoe shop.

The trial judge, Honorable Calvin S. Boyer, states: ". . . It is true that at the time of the trial I felt, and still feel, that the life imprisonment sentence, which I was compelled to impose, was too severe in his case under all of the circumstances of the crime. Therefore, I have no objection to the granting of the commutation at this time." The district attorney, Edward G. Biester, states: ". . . Under all the facts this office neither urges nor opposes the granting of the prayer of the petition."

Investigation by the Board of Pardons indicates that this applicant was a member of a group who robbed a gasoline station and in the course of the robbery the victim was shot and killed. One of the members of this group, who actually fired the revolver, has been executed. The two remaining members, including the applicant, were sentenced to life imprisonment. The applicant at the time of the crime, was about twenty years of age, and was employed to drive the car which carried the two accomplices. The Chief of County Detectives of Bucks County, Mr. Russo, stated before the Board that this applicant was to be murdered by his accomplices in order to hide their trail. It was, of course, through the cooperation of the applicant that the police of Bucks County were able to arrest and convict the two men involved.

The applicant is assured of employment by Mr. Joseph Afflerback, who operates an auto repair shop in Langhorne, Pa., and will reside with his father, who lives in South Langhorne, Pa.

The Chief of County Detectives, Mr. Russo, assured the Board that he would supervise and guide the applicant if released. The brother of the applicant is a Sergeant of Detectives in Philadelphia and he likewise assured the Board that if the applicant made one false step he would return him to the penitentiary.

The Board therefore recommends that the sentence be commuted. The applicant will have served 8 years of his minimum sentence and will be under the supervision of the Board of Pardons for the remainder of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Earl Van Steenburg, C-6080, No. 1092, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Earl Van Steenburg, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County on March 31, 1925 to begin March 31, 1930 be commuted from 10 years to 9 years and 2 months expiring on May 31, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Luzerne County for from 10 to 20 years in the Eastern State Penitentiary for this crime on the 21st day of March, 1925, sentence to be computed from March 31, 1930.

The Board of Trustees of the Eastern State Penitentiary state that this applicant was admitted in 1925 and had to serve five years as a parole violator. During his confinement he has attempted to improve himself by studying gasoline motors. His conduct has been satisfactory and he has maintained a constructive attitude.

The trial judge, Honorable Henry Fuller, is deceased. The assistant district attorney, John Dando, stated that he was not opposed to the application as he had served almost fifteen years.

Investigation by the Board of Pardons reveals that this applicant, together with two accomplices, was guilty of the crime for which they were convicted. One of the accomplices was commuted by the Board in 1930 and the other was paroled by the Court of Quarter Sessions of Luzerne County. It is the belief of the Board that this long incarceration has proved to the applicant that crime does not pay. The evident attempts of the applicant to improve himself, and to show a disposition, despite the long confinement, to take his place in lawful society, are factors in his favor.

The applicant is assured of employment by Mr. John Lloyd, a plumber, in Camden, New Jersey. The New Jersey authorities are willing to accept the supervision of Mr. Steenburg.

He will reside with an aunt in Camden, New Jersey The Board therefore recommends that the sentence of the applicant be commuted. He will have served 9 years and 2 months of his minimum term of 10 years and will be under the supervision of the Board of Pardons until 1950.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Owen L. Weaver, C-5445, No. 3966, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Owen L. Weaver, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Berks County on June 7, 1929, be commuted on Bill No. 309 from a minimum of 5 years to a minimum of 1 day, expiring on June 8, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
Name of Secretary of Internal Affairs deleted, before execution.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Zone, B-6352, No. 4375, April Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Zone, convicted of perjury in the Court of Quarter Sessions of Crawford County, on September 26, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of perjury and was sentenced to pay a fine of twenty-five dollars, costs of prosecution and imprisonment in the Western State Penitentiary for from 1 to 7 years by the Quarter Sessions Court of Crawford County on the 26th day of September, 1938.

The Board of Trustees of the Western State Penitentiary states: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record."

The trial judge, Honorable O. Clare Kent, states: ". . . I respectfully recommend him for a pardon, after serving one-half of his sentence." The district attorney, Herbert O. Mook, states: ". . . All accomplices of these two young men, with the exception of Ralph Main, have already been pardoned or paroled and it seems to me that these two should be given the same treatment as the others."

Investigation by the Board of Pardons indicates that this applicant, together with seven accomplices, perjured themselves at the trial of one, Ralph Main, involving the sale of intoxicating liquor. Two of the accomplices, Mary Capone and Betty Farrar, were recommended for pardon by the Board in December, 1938. Harold Harmon was recommended in February, 1939. Jack Patterson and Merle Hall were recommended for pardon at the March meeting of the Board of Pardons, 1939.

The applicant will reside with his grandfather and will assist him in the maintenance of the home with the hope that employment may be secured within a short time after his release. His grandfather's home is in Meadville, Pa.

The Board is of the opinion that this applicant has been sufficiently punished and that he will not be guilty of any crime in the future.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
THOMAS A. LOGUE,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Joseph Bejger, D-3474, No. 4420, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Bejger, convicted of burglary in the Court of Oyer and Terminer of Lackawanna County on October 6, 1934, to begin October 6, 1938 be commuted from 4 years to 9 months expiring on July 6, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of burglary and was sentenced by the Oyer and Terminer Court of Lackawanna County on the 6th day of October, 1934, to the Eastern State Penitentiary for from 4 to 8 years, said sentence to begin at the expiration of his maximum sentence, expiring on the 6th of October, 1938.

The Board of Trustees of the Eastern State Penitentiary states that his institutional record is satisfactory. He attended school in the institution and now holds a position as a clerk in the parole office of the Eastern State Penitentiary. He is considered to be a conscientious worker and improvement has been noted in his habits of stability.

The trial judge, Honorable William R. Lewis, states: ". . . I may be somewhat sympathetic owing to the foregoing but I am firmly convinced that his application deserves careful consideration." The assistant district attorney, Edwards, states that he thinks he has been sufficiently punished and will follow the advice and recommendation of the institutional authorities.

The parole officer of the Eastern State Penitentiary, Mr. Frank P. Tucker, stated that he was an exceptionally good boy and would make a good parole risk. The applicant is assured of employment in the Coal Mines at Duryea, Pa., and will reside with his parents in Scranton, Pa.

It is the belief of the Board that this applicant has been sufficiently punished and that under proper sponsorship and employment he will not re-enter the field of crime. The Board therefore recommends that this applicant's sentence be commuted.

The applicant will have served 9 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1946.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles H. Boughton, D-2890, No. 2398, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles H. Boughton, convicted of escape in the Court of Oyer and Terminer and Quarter Sessions of Centre County on May 23, 1929, to begin February 15, 1938 be commuted from 5 years to 1 year and 5 months expiring on July 15, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and larceny and was sentenced by the Oyer and Terminer Court of Bradford County for a term of from 5 to 10 years in the Eastern State Penitentiary in February, 1938. The applicant escaped in May, 1929, and was returned the same day, for which offense he was sentenced an additional five to ten years to begin at the expiration of his original maximum sentence.

The Board of Trustees of the Eastern State Penitentiary state that he has served his maximum sentence of the original term and a portion of his new term. During his incarceration he has attempted to improve himself by completing seven agricultural courses from the Pennsylvania State College.

The trial judge, on the original sentence, did not reply to our letter of inquiry. The trial judge on the escape charge, Honorable M. Ward Fleming, stated that he would rely upon the prison authorities for their recommendation. The district attorney, M. W. Gettig, stated that he was not opposed to the application.

It is the belief of the Board of Pardons that this applicant has been sufficiently punished and that he will, upon his release, not re-enter the field of crime. During his imprisonment he has made serious attempts to rehabilitate himself and to prepare for his release to society. He will be under the sponsorship of Mr. C. E. Irons, Justice of the Peace of Elkland, Pa. Our investigation indicates that the applicant will probably receive work in the Elk Tanning Company, Elkland, Pa., and will reside with his wife and daughter in the home of his wife's mother in Elkland.

The Board therefore recommends that this applicant's sentence be commuted. He will have served 1 year and 5 months of his new minimum sentence and will be under the supervision of the Board of Pardons until February, 1948.

Respectfully submitted,
S. S. LEWIS.
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles Foster Burkhart, C-7363, No. 2126, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentences of Charles Foster Burkhart, convicted of breaking and entering with intent to commit a felony, larceny and receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Somerset County on September 27, 1926, to begin September 27, 1931, be commuted on Bill No. 4 from a maximum of 6 years to a minimum of 4 years and 10 months, expiring on July 27, 1939, and a maximum of 6 years; and on Bill No. 5 from a maximum of 6 years to a minimum of 1 day, expiring on July 28, 1939, and a maximum of 6 years; and that the minimum sentence of Charles Foster Burkhart, convicted of felonious assault and battery in the Court of Oyer and Terminer and Quarter Sessions of Allegheny County on June 15, 1928, be commuted from 3½ years to 1 day, expiring on July 29, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of breaking and entering, larceny and receiving stolen goods and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Somerset County for from 7½ to 15 years in the Western State Penitentiary on the 27th day of Sep-

tember, 1926, sentence to be computed from September 27, 1931. He was sentenced for felonious assault and battery for a term of from 3½ to 7 years by the Quarter Sessions Court of Allegheny County on the 15th day of June, 1928, sentence to begin on September 27, 1946.

The Board of Trustees of the Eastern State Penitentiary state that this man is under our supervision as a transfer from the Western State Penitentiary and that he has maintained a cooperative attitude and that definite improvement has been noted in his conduct during the past five years.

The Honorable Ambrose B. Reid of Allegheny County offers no recommendation. The Honorable John A. Berkey, the trial judge, states: ". . . I did what I thought was my duty at the time but in view of his recent record I believe it would be worthwhile to return this man to society under parole and I have manifested previously that I was willing to stand as his sponsor." The present district attorney, Archibald M. Matthews, states: ". . . and I do not have any objection to the application for clemency."

Investigation by the Board of Pardons indicates that this man was sentenced in 1926, and violated his parole by the conviction and therefore did not commence his Somerset County sentence until September, 1931. During his imprisonment he was convicted and sentenced for felonious assault and battery. The applicant, therefore, has been incarcerated for nearly 13 years. The penitentiary authorities report that during the early days of his imprisonment he was unruly prisoner but during the past 5 years or more he has shown definite improvement. He has learned the trade of making baseballs and performs that service for the inmates. If released he will reside with his mother, who operates a truck farm near Johnstown, Pa., and he will be under the sponsorship of former judge, John A. Berkey.

It is the belief of the Board that this man, after many years of criminal activity, has learned at least to lead a law-abiding life. This resolve has reflected itself in his conduct during the past years in the penitentiary.

The Board is of the opinion that if this man shall ever be a useful citizen the time is now right to give him that opportunity under a careful sponsorship and employment and proper environment.

The Board therefore recommends that his sentence be commuted. He will have served 7 years and 10 months of his original maximum sentence and will be under the supervision of the Board of Pardons until 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Ellsworth B. Chivers, D-3249, No. 4422, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Ellsworth B. Chivers, convicted of embezzlement in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on May 31, 1938, be commuted on Bill No. 83-D from a maximum of 3 years to a maximum of 1 year and 2 months, expiring on July 31, 1939; and on Bill No. 83-E from a minimum of 1½ years to a minimum of 1 day, expiring on August 1, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of embezzlement and was sentenced by the Court of Oyer and Terminer of Lackawanna County for from 3 to 6 years in the Eastern State Penitentiary on the 31st day of May, 1938.

The Board of Trustees of the Eastern State Penitentiary state: "this man's record in the penitentiary is satisfactory and he has no known previous criminal record. He is employed as a bookkeeper in the Accounting Department and is considered a conscientious worker."

The trial judge, Honorable T. L. Hoban, states: ". . . As to the merits of the application, while the offenses warranted the sentence imposed, I would have no objection, provided the prison officials are thoroughly satisfied that this man's rehabilitation has progressed to a degree warranting the belief he will not again become a criminal." The assistant district attorney, Edwards, states that his office is in agreement with the opinion expressed by Judge Hoban."

Investigation by the Board of Pardons indicates that this man is unquestionably guilty of embezzling approximately $418.00 from his employer. During his imprisonment he has conducted himself in a satisfactory manner and his studious habits and quiet manner have indicated that he has thoroughly learned a lesson which the sentence of imprisonment taught him. The applicant is assured of employment by Honorable Matthew Knable, Member of the House of Representatives, and President of the Scranton Gas and Oil Company. The applicant will receive a salary of $25.00 a week. He will reside with his wife in Clarks Green, Pa.

The Board is in receipt of a letter from the Honorable Harold J. Flannery, Member of the United States Congress, who recommends that this applicant receive favorable consideration.

The Board therefore recommends that a commutation be granted this applicant. He will have served 1 year and 2 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1942

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of William A. Clark, No. 4343, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William A. Clark, convicted of violation of the liquor laws in the Court of Quarter Sessions of Philadelphia County, on March 29, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to violating the liquor laws and was sentenced by the Quarter Sessions Court of Philadelphia County to pay a fine of one hundred dollars and costs on the 29th day of March, 1937.

The applicant never served a jail sentence and the trial judge, Honorable Edward B. Farr, states: "After the fine and costs have been paid there are no objections to a pardon if that will help the man to get a job. But it strikes me that he has had sufficient time to pay the costs and the fine:" The assistant district attorney, James W. Tracey, Jr., stated that he was not opposed to the application.

It was pointed out to the Board at the time of the hearing, and agreed to by the assistant district attorney, that

the applicant had paid all fines and costs in connection with his trial. Since his release, the applicant has been employed by Mr. William Lynch of Columbia Avenue, Philadelphia, and it is his purpose to take the Civil Service examination for a position as a policeman in the City of Philadelphia. The Board of Pardons is of the opinion that this man has been sufficiently punished and to stand in the way of his material advancement would be unfair.

The applicant has maintained a law-abiding attitude since his conviction in 1937.

The Board therefore recommends that a full pardon be granted, believing that it will in part remove the stigma of the crime and will be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of James Dawes, B-4394, No. 4411, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Dawes, convicted of robbery in the Court of Quarter Sessions of Bedford County on December 10, 1934 be commuted from 5 years to 4 years and 7 months expiring on July 10, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Quarter Sessions Court of Bedford County for from 5 to 10 years in the Western State Penitentiary on the 10th day of December, 1934.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible for parole, we would probably conditionally recommend him for parole subject to adequate parole plan (1) has now been confined continuously for 6 years 6 months (of which two were served in ACW); (2) excellent institutional record."

The trial judge, Honorable Harry C. James, states: ". . . I conferred with District Attorney R. W. Lins in this case and we have both concluded that as far as Bedford County is concerned we have no further interest in whether clemency is granted or not." The district attorney, Richard W. Lins, states: ". . . I very carefully went over the petition with Honorable Harry C. James Judges of our Court, and we are willing to abide by the decision of your Board in this matter."

Investigation by the Board of Pardons indicates that the applicant has served a substantial portion of his minimum sentence and during his imprisonment he has learned the printing trade and is in charge of the printing plant at Rockview. It would appear that this applicant has made a sincere and successful attempt to rehabilitate himself and prepare for his release to society. The applicant will be under the sponsorship of Honorable George Seibel, Magistrate of Morals Court, Pittsburgh, Pa., and has been assured of employment in the printing trade.

The applicant will reside with his parents in Pittsburgh, Pa. The Board therefore recommends that the sentence be commuted. He will have served 4 years and 7 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles O. Edwards, C-7305, No. 4425, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles O. Edwards, convicted of robbery, being armed with an offensive weapon in the Court of Quarter Sessions of Bucks County on September 1, 1931 be commuted from 9 years to 7 years and 10 months expiring on July 1, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer Court of Bucks County for from 9 to 18 years in the Eastern State Penitentiary on the 1st day of September, 1931.

The Board of Trustees of the Eastern State Penitentiary state that his record in the institution is satisfactory and that he has maintained a constructive attitude and has attempted to improve himself by taking several courses of study from the Pennsylvania State College. He is employed as a teacher in the academic and commercial work of the institution.

The trial judge, Honorable Hiram H. Keller, states: ". . . we neither recommend nor oppose the granting of the commutation, feeling that it is entirely a matter for the judgment of the Board on the applicant's penitentiary record . . ." The Honorable Calvin S. Boyer states: ". . . we believe that this defendant is entitled to favorable action on the part of your Board." The district attorney Edward G. Biester, states: ". . . From the contents of this letter, although we do not urge the granting of the application we are inclined to believe that the ends of justice would be met if the application were granted."

During his incarceration he educated himself and his letters to his friends that have been submitted to the Board show an exceptional educational and mental progress. There seems to be no question in the minds of the persons interested in this applicant that he has renounced the field of crime and that he will in the future conduct himself in a law-abiding manner. The fine record that he made at the institution bespeaks his determination to continue his rehabilitation upon his release.

The applicant will be employed by H. E. Knepp, Lewistown, Pa., and will reside with his sister, Mrs. Hawke, in the same city. The Board therefore recommends that his sentence be commuted. He will have served 7 years and 10 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Edward J. Forestal, B-3795, No. 2910, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Edward J. Forestal, convicted of escape in the Court of Quarter Sessions of Centre County on September 1, 1933, be commuted from 3 years to 4 months to begin March 7, 1939 expiring on July 7, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced on the 29th day of August, 1924, in the Court of Oyer and Terminer of Allegheny County for from 3 to 6 years in the Western State Penitentiary. The applicant escaped on the 23d day of February, 1925. He was returned to the Western State Penitentiary on the 11th day of August, 1933, and received a sentence of from 3 to 6 years for escape, to begin at the expiration of his maximum of his original sentence.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) original maximum sentence expired March 7, 1939, (2) has now been continuously confined for 14 years, (3) very good institutional record.

The present judge, Ambrose B. Reid, stated that he had no recommendation but would rely upon the best judgment of the Board. The trial judge for the escape charge, Honorable M. Ward Fleming, stated that he had no objection if the prison officials are satisfied. The assistant district attorney, Mr. Bell, stated that he objected to the release on account of his prior criminal record. Investigation by the Board of Pardons indicates that this man, after his escape from the Western State Penitentiary in February, 1925, was arrested two months later in Baltimore, Maryland, on a robbery charge and was sentenced to serve ten years in the Maryland Penitentiary. He was returned to Pennsylvania after serving 8 years of the 10 year sentence. The applicant, when released, will reside in Baltimore, Maryland, and the Prisoners Aid Association has exercised considerable interest in this man to the extent of sending their representative, Mr. A. W. Mattox, to the Board meeting. It is the belief of the Board that this man, having served 14 years in the penitentiary, has been sufficiently punished and under the supervision and guidance of the Prisoners Aid Association of Maryland he will be given such supervision and guidance that will, in all probability, aid him in rehabilitation.

The applicant will reside with his mother, who owns and operates an apartment house, and he will be given employment in and about the apartments.

The Board of Pardons therefore recommends that the sentence be commuted. The applicant will have served his full maximum of the original sentence and four months of his minimum sentence for escape. He will be under the supervision of the Board of Pardons until March 7, 1945.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Lawrence Lester Hardy, No. 4381, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Lawrence Lester Hardy, convicted of operating auto while under influence of intoxicating liquor in the Municipal Court of Philadelphia County, on April 18, 1932, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of operating an automobile while under the influence of intoxicating liquor and was sentenced by the Municipal Court of Philadelphia County to pay the costs of the prosecution and was placed under probation for one year on April 18, 1932.

The trial judge, Honorable Leopold Glass, did not reply to our letter of inquiry as to the merits of the application. The assistant district attorney, James W. Tracey, Jr., stated that he had no objection to the granting of the application.

Investigation by the Board of Pardons indicates that the applicant has maintained a law-abiding life since his conviction in 1932. He is now employed by Lit Brothers Department Store and resides with his mother in Philadelphia. It is his desire to apply for a position as a policeman in the Philadelphia Police Force. Under the Civil Service Rules it is necessary that he have a pardon in order to be eligible.

The Board is of the opinion that this man who has maintained a good record during the past six or seven years and has settled down in his habits of living, should receive the encouragement of the Commonwealth.

It is therefore recommended that a full pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of William Hargett, C-5549, No. 3120, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Hargett, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on August 28, 1929, be commuted on Bill No. 231 from a minimum of 5 years to a minimum of 1 day, expiring on August 29, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is

merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John William Jones, B-6160, D-2787, No. 3984, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John William Jones, convicted of larceny and receiving stolen goods in the Court of Oyer and Terminer of Philadelphia County on January 19, 1938 be commuted from 2 years to 1 year and 6 months expiring on July 19, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny and receiving stolen goods and was sentenced by the Oyer and Terminer Court of Philadelphia County for from 2 to 4 years in the Eastern State Penitentiary on the 19th day of January, 1938.

The Board of Trustees of the Eastern State Penitentiary state that his record in the institution is satisfactory and that he is now employed in the nursery and is considered a good worker.

The trial judge, Honorable Harry S. McDevitt, states that his sentence should not be shortened. The assistant district attorney, James W. Tracey, Jr., stated that he wished to review this case with the trial judge and he wrote the Board under date of May 26 as follows: ". . . As the result of my investigation, and also as the result of my talk with Judge McDevitt, I desire to say that the District Attorney's office has no objection to the granting of clemency to the petitioner."

Investigation by the Board of Pardons indicates that the applicant was undoubtedly guilty of the crime for which he was sentenced. His accomplices were placed on probation at the time of the trial. The applicant has been offered employment by Mr. G. E. Robertson, President of the Roxborough Knitting Mills, and he will reside with his wife and two children in Philadelphia. Mr. Lynford Jones, Chief of Police of Bristol, Pa., has agreed to act as his sponsor.

The Board therefore recommends that a commutation be granted. The applicant will have served one year and six months of his minimum sentence and will be under the supervision of the Board of Pardons until 1942.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Ciro Maglione, No. 4379, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Ciro Maglione, convicted of setting up and maintaining illegal lottery in the Municipal Court of Philadelphia County, on November 27, 1935, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of setting up and maintaining an illegal lottery and was sentenced by the Municipal Court of Philadelphia County to 1 year's probation on the 27th day of November, 1935.

The trial judge, Honorable Joseph Tumolillo, did not reply to our letter of inquiry. The assistant district attorney, James W. Tracey, Jr., stated that he had no objection to the granting of the application.

Investigation by the Board of Pardons indicates that since his trial in 1935 he has conducted himself in a law-abiding manner. The applicant is not now employed, but resides with his mother and father, together with his wife and step-children, in Philadelphia. The applicant was born in Italy and he is liable for deportation and wishes this pardon so that he may avoid deportation.

The applicant is married and has four step-children and it would work a serious hardship upon the family if he were deported.

In view of the fact that the applicant has never been involved in any serious offense the Board believes that clemency can well be extended and therefore recommends that a full pardon be granted the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William D. Manderfield, C-9923, No. 3635, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William D. Manderfield, convicted of murder, 2d degree in the Court of Oyer and Terminer of Philadelphia County on September 5, 1934, to begin April 5, 1934, be commuted from 10 years to 5 years and 3 months expiring on July 5, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Philadelphia County for from 10 to 20 years in the Eastern State Penitentiary on the 5th day of September, 1934, to begin April 5, 1934.

The Board of Trustees of the Eastern State Penitentiary state that the prison record is satisfactory. He is now employed in the printing shop and he is considered to be an excellent worker.

The trial judge, Honorable Robert Lamberton, stated that he had no personal recollection of the case and consequently can be of little aid in the matter. The assistant district attorney, James W. Tracey, Jr., asked at the time the case was heard, to make a further investigation and under date of May 3, 1939, he wrote the Board of Pardons as follows:

". . . After the Judge refreshed his recollection as to the facts in the case, he stated to me that, in his judgment, the petitioner is entitled to the Board's favorable consideration.

"I called to the Judge's attention the fact that Manderfield had never been before arrested for any offence, and he joins me in the thought that the shooting was the result of a frenzied condition in the petitioner's mind at the time of the commission of the crime.

"Speaking for the District Attorney's office, I wish to state of record that we have no objection to the granting of clemency to the petitioner."

Investigation by the Board of Pardons indicates that the applicant shot and killed one, Theodore DeMichaels, who had seduced his fourteen year old sister. In order that the child would not be born to the sister without a legal father a marriage was arranged. Subsequently DeMichaels abused the applicant's sister and abused the parents of the applicant. Under fear and terror of his brother-in-law, the applicant procured a revolver and fired several shots, killing the victim. The applicant was a young man of slight build, who dearly loved his parents and sister and unquestionably the abuse which this new member of the family was heaping upon them unsettled his reason. The crime was one of passion which can be understood by anyone who reads the testimony of the trial.

The applicant, if released, is offered employment at the Elmwood Garage, Philadelphia, and will be under the sponsorship of Mr. James J. King, undertaker, Philadelphia. He will reside with his parents in Philadelphia.

The Board therefore recommends that the sentence be commuted. The applicant will have served 5 years and 3 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1954.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Thomas J. Meehan, No. 4418, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Thomas J. Meehan, convicted of receiving stolen goods, accessory after the fact in the Court of Quarter Sessions of Allegheny County, on May 28, 1935, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of receiving stolen goods and accessory after the fact in the Quarter Sessions Court of Allegheny County and was sentenced for from 15 months to 2 years in the Allegheny County Work House on the 28th day of May, 1935.

The applicant was paroled by the trial judge on petition on the 9th day of April, 1936.

Investigation by the Board of Pardons indicates that the applicant had no prior criminal record. At the time of his arrest he was a Captain of Police in the city of Braddock, Pa., and although not actively interested in the commission of the crime, and alleging his innocence of its commission, he did receive four pairs of shoes from the man who actually robbed the store.

The applicant, since his release, has been continuously employed at the open hearth furnaces of the Carnegie Illinois Steel Company in Homestead, Pa. It is the opinion of the Board that this applicant has been sufficiently punished for his indirect participation in the robbery of the store.

The Board therefore recommends that a pardon be granted, believing that it will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of James Montgomery, B-2109, No. 1830, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of James Montgomery, convicted of murder, 1st degree in the Court of Oyer and Terminer of Clarion County on May 31, 1930, be commuted from life imprisonment to a minimum of 9 years and 2 months, expiring on July 31, 1939, and a maximum of life imprisonment.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Clarion County to life imprisonment in the Western State Penitentiary on the 31st day of May, 1930.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first imprisonment (2) good institutional record."

The trial judge, Honorable F. L. Harvey, is deceased. The present judge, Honorable Harry M. Rimer, states: ". . . In a general way I have understood that this young man was not of criminal tendency and that liquor and

jealousy had considerable to do with the case. For the above reasons, there is no recommendation nor any statement as to the facts which I can give the Board." The trial district attorney, William J. Geary, states: ". . . After the defendant had served from about eight to ten years, that I would join in an application for commutation or pardon. I submitted this proposition to the Honorable Frank L. Harvey, the Judge who tried the case, and his reply was, 'I heartily join you in that and it will be very satisfactory to the Court.' He also stated that when the time came he would join in the application for commutation or pardon." The present district attorney, Merritt H. Davis, states: ". . . I have no request or advice in the matter. Considering the gravity of the offense it would seem that the application is perhaps a little pre-mature."

Investigation by the Board of Pardons indicates that the wife of the applicant, together with several other persons, both men and women, had been out all night in an automobile, many of them under the influence of liquor. When the applicant learned of this he became enraged and started out to hunt them. He found this group of persons and in his rage he struck at a Mrs. Hoy with a hunting knife and killed her. It is unquestionably true that all participants of this night of carousal did not bear the best of reputation in the neighborhood. The wife of the applicant is known in the community as a "high stepper" and unquestionably this defendant, enraged beyond reason, took the law into his own hands. The wife of the applicant is living and it is understood that a divorce will be applied for upon his release.

The applicant is assured of employment by the Hamler Coal Company, Sligo, Pa. He will live with his mother at Lawsonham, Pa.

The Board believes that this man has been sufficiently punished for this crime and therefore recommends that his sentence be commuted. The applicant will have served 9 years and 2 months of his sentence and will be under the supervision of the Board of Pardons for the rest of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Leon Mouraview, No. 4384, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Leon Mouraview, convicted of operation auto without consent of owner in the Court of Quarter Sessions of Philadelphia County, on September 21, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead nollo contendere to the crime of operating an automobile without the owner's consent and was sentenced by the Quarter Sessions Court of Philadelphia County to probation for one year on the 21st day of September, 1931.

The trial judge, Honorable Francis S. Brown, states: ". . . It seems to me, therefore, that the question of whether he should be granted a pardon is one peculiarly within the province of the Board." The assistant district attorney, James W. Tracey, Jr., stated that he had no objection to the granting of the application.

Investigation by the Board of Pardons indicates that this man has not been involved in any crime or misdemeanor since 1931, and that he is at present employed by the John Wanamaker Company on their delivery trucks. It is his desire to improve his economic status by taking a Civil Service Examination and it is therefore necessary for him to receive this pardon in order to be eligible.

The applicant is married and has one child and he resides in Philadelphia. The Board of Pardons is of the opinion that clemency can well be extended to this applicant. The Board therefore recommends that a pardon be granted, believing that it will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Glenn Mullenaux, B-5896, No. 4398, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Glenn Mullenaux, convicted of breaking, entry and larceny in the Court of Quarter Sessions of Greene County on January 15, 1938, effective Dec. 27, 1937, be commuted from 2 years to 1 year and 7 months expiring on July 27, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of breaking, entry and larceny and was sentenced by the Quarter Sessions Court of Greene County for from 2 to 4 years in the Western State Penitentiary on the 15th day of January, 1938, sentence to begin December 27, 1937.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record."

The trial Judge, Honorable Challen W. Waychoff, states that he believes the boy should be paroled. The district attorney, Frank Throckmorten, did not reply to our letter of inquiry.

Investigation by the Board of Pardons indicates that this applicant had no prior criminal record and that his crime arose from the desire to go out with some girls on a motor ride without money to purchase gasoline. Whereupon he and his companion stole gasoline from a railroad company. Our investigation shows that the applicant has conducted himself very well during his imprisonment. He will be assured of employment on the farm of Mr. George Gapen of Greene County, Pa., who will also act as his sponsor.

The Board believes that this arrest and conviction has taught the applicant a salutary lesson and that he will not re-enter the field of crime upon his release.

The Board therefore recommends that a commutation of sentence be granted. The applicant will have served 1 year and 7 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1941.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Samuel Nicholas, D-2537, No. 4397, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Samuel Nicholas, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Lebanon County on October 16, 1937, be commuted from 3 years to 1 year and 9 months expiring on July 16, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of voluntary manslaughter and was sentenced by the Oyer and Terminer Court of Lebanon County for from 3 to 6 years in the Eastern State Penitentiary on the 16th day of October, 1937.

The Board of Trustees of the Eastern State Penitentiary state that this man's institutional record was satisfactory and that he has been transferred to the Lebanon County Jail as of March, 1938.

The trial judge, Honorable C. V. Henry, states that the applicant's details of the crime are in the main correct and that there is a question whether or not the applicant really struck the fatal blows. The district attorney, Earl A. Brubaker, stated: ". . . I have at all times felt that Samuel Nicholas was not guilty of the crime as charged. On the other hand, I have a feeling that the verdict of the jury was correct as to John Wolfe. . . . It is my belief that we would have no further trouble with this applicant and that he would never come before the Courts again."

Investigation by the Board of Pardons indicates that the death of the victim was the result of a feud in which probably a half dozen different persons participated in a general brawl. There is serious doubt as to whether or not the applicant wielded the club that caused the death of the victim. The applicant is married and has six children. The Children's Aid Society of Lebanon has taken great interest in this family and they are making an attempt to restore the family home. The applicant is assured of employment by Mr. Grimes, Poultry Dealer of Fredericksburg, Pa., who will pay him a wage of twenty cents an hour and furnish him room and board. Likewise, an opportunity will be given to reassemble the family and afford them living quarters under better environment. Mr. Paul Bicksler, Secretary of the Childrens Aid Society of Lebanon will act as his sponsor.

The Board therefore recommends that the sentence be commuted. The applicant will have served 1 year and 9 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1943.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Hugh Joseph O'Brien, C-7327, No. 2665, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Hugh Joseph O'Brien, convicted of murder, 1st degree, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 18, 1931, be commuted from life imprisonment to a minimum of 7 years and 10 months, expiring on July 18, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder and was sentenced by the Oyer and Terminer Court of Philadelphia County to life imprisonment in the Eastern State Penitentiary on the 18th day of September, 1931.

The Board of Trustees of the Eastern State Penitentiary state: ". . . Applicant's previous record consists of one arrest. When given the present sentence, the sentence for robbery was made to run concurrent."

The trial judge, Honorable Harry S. McDevitt, states: ". . . and I see nothing that would justify my recommending a commutation." The assistant district attorney, James W. Tracey, Jr., stated before the Board that the applicant had served a substantial portion of his time and that he will be satisfied with any action of the Board on this application.

Investigation by the Board of Pardons indicates that this applicant, together with his friends, John J. O'Neill, Thomas Boyle and Fred DiPietro, drove an automobile into South Philadelphia, where DiPietro and Boyle entered the store of the victim and robbed and mortally wounded one, Jacob Levin. The applicant and his companion, O'Neill, were somewhat under the influence of liquor, did not enter the store, and claim to have absolutely no knowledge that Doyle and DiPietro intended to rob or shoot Levin. DePietro at his trial was acquitted. The applicant and O'Neill plead guilty and helped the Commonwealth by their testimony and in the preparation of the case.

It is the feeling of the Board that this applicant was the innocent victim of a chain of circumstances that culminated in his trial and sentence. From all the facts that are learned by the Board it appears that neither the applicant nor O'Neill had absolutely any knowledge of the evil purpose of their two accomplices, men who were much older.

This applicant has improved himself while in the penitentiary by studying typing. His behavior has been very satisfactory. He has been offered employment by Mr. A. H. Murphy, Manoa, Pa., President of the Standard Ice Company. Reverend Bernard C. Farley will act as his sponsor and he will reside with his parents in Philadelphia, Pa.

The Board therefore recommends that a commutation be granted. The applicant will have served 7 years and 10 months of his sentence and will be under the supervision of the Board of Pardons for the rest of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Sam Pallas, B-1084, No. 1428, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Sam Pallas, convicted of felonious assault and battery and aiding to escape, in the Court of Quarter Sessions of Al-

legheny County on November 9, 1928, to begin Oct. 1, 1927, be commuted on Bill No. 1003 from a maximum of 7 years to a maximum of 4 years 6 months 27 days, expiring on April 28, 1939; on Bill No. 1004 from a minimum of 1 year to a minimum of 1 day, expires April 29, 1939; on Bill No. 1006 from a minimum of 1 year to a minimum of 1 day, expiring on April 30, 1939; and on Bill No. 1007 from a minimum of 1 year to a minimum of 1 day expiring on May 1, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of W. H. Sherwood, B-5304, No. 3563, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of W. H. Sherwood, convicted of voluntary manslaughter in the Court of Oyer and Terminer and Quarter Sessions of Washington County on November 17, 1936, be commuted from 4 years to 2 years and 8 months expiring on July 17, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of voluntary manslaughter and was sentenced by the Oyer and Terminer Court of Washington County for from 4 to 8 years in the Western State Penitentiary on the 17th day of November, 1936.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) very cooperative inmate."

The trial judge, Honorable James I. Brownson, is deceased and the present judge, Honorable Howard W. Hughes, states: ". . . However, the petition fully sets for the defendant's position, as I understand it, and the District Attorney will no doubt furnish you with the Commonwealth's viewpoint." The district attorney, James C. Bane, states: "In connection with the above application we wish to advise that we believe the defendant has been sufficiently punished for the crime he committed, however, we shall leave the matter entirely within the hands of your Honorable Board."

Investigation by the Board of Pardons indicates that this applicant, because of marital difficulties, decided to take his own life. In the act of committing suicide, his wife wrestled with him, the gun exploded and the wife, herself, was fatally shot. Immediately after the killing the applicant attempted suicide. Up to the time of this tragedy he had lived an upright straightforward life, active in many of the civic and grange affairs of his county. He resided on a farm outside of the city of Washington, Pa. During his imprisonment he has taken several courses from the Pennsylvania State College and is a teacher in the prison schools. He holds one of the trusted positions in the penitentiary as Commissary Clerk. Unquestionably this man, under the strain of domestic difficulties, and at the time of the crime was over fifty years of age, used a revolver in order to arouse the sympathy and concern of his wife in a threat of suicide. It is the feeling of the Board and that of many of his friends and acquaintances in Washington County that this applicant never intended to kill his wife. The subsequent actions of the applicant in attempting suicide would indicate that this opinion is valid. The applicant is not a criminal, nor does he possess criminal tendencies. The family of the applicant, both his sister and children, are interested in his release. They have appeared before the Board urging clemency.

The Board therefore is of the opinion that this man has been sufficiently punished and that the memory of this tragedy will be a more severe punishment than prison walls.

The applicant will return to his farm and operate it as a dairy farm. The Board therefore recommends that his sentence be commuted. He will have served 2 years and 8 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1944.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Ellsworth J. Sickler, C-4196, No. 3193, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Ellsworth J. Sickler, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on October 8, 1927, be commuted on Bill No. 63-2 from a maximum of 10 years to a maximum of 1 year and 9 months, expiring on July 8, 1939; and on Bill No. 63-3 from a minimum of 5 years to a minimum of 1 day, expiring on July 9, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and was sentenced by the Oyer and Terminer Court of Lackawanna County for from 15 to 30 years in the Eastern State Penitentiary on the 8th day of October, 1927.

The Board of Trustees of the Eastern State Penitentiary state that his institutional record is fair and that he is now employed in the Tailor Shop. He has also made some attempt at improving himself educationally.

The trial judge, Honorable George W. Maxey, states: ". . . I assume that the first question in this case is whether or not it is safe to turn Sickler loose on society. He has probably been punished enough and I hope if he is released, he will go straight." The assistant district attorney, Edwards, objected to the application, believing that the prior record of the applicant makes him a poor risk.

Investigation by the Board of Pardons indicates that the applicant is unquestionably guilty of the crime for which he has been serving a long sentence. The Board is of the opinion that if this applicant, who claims that he will not re-enter the field of crime, will ever be ready for release, the time has now arrived. The Board has been very careful in investigating the type of employment and the environment which will surround him when released. He has been assured of employment on the farm of Mrs. E. M. Chisholm Westfield, Pa., and will reside on the farm and receive ten dollars cash per month, in addition to his maintainence. The two accomplices of this applicant, who received similar sentences, are now on parole, the Board of Pardons having commuted their sentences some time ago. The Board believes that this man has been sufficiently punished and therefore recommends that his sentence be commuted.

The applicant will have served 11 years and 9 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Joseph Skubic, C-9138, No. 4386, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Joseph Skubic, convicted of assault and battery with intent to rob, pointing firearms, breaking and entering, larceny, in the Courth of Oyer and Terminer and Quarter Sessions of Susquehanna County on August 19, 1933, be commuted on Bill No. 32 from a minimum of 10 years to a minimum of 5 years and 11 months, expiring on July 19, 1939; on Bill No. 31 from a minimum of 2 years to a minimum of 1 day, expiring on July 20, 1939; on Bill No. 30 from a minimum of 2 years to a minimum of 1 day, expiring on July 21, 1939; and on Bill No. 28 from a minimum of 2 years to a minimum of 1 day, expiring on July 22, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of assault and battery, breaking and entering, larceny, and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Susquehanna County for from 16 to 32 years in the Eastern State Penitentiary on the 19th day of August, 1933.

The Board of Trustees of the Eastern State Penitentiary state that the applicant's prison performance is satisfactory and he is employed in the weaving shop and is considered a qualified loom fixer.

The present judge, Honorable Edward P. Little, states: ". . . Taking into consideration all of the facts in this case, I believe it would be just and fair to give this defendant an opportunity to rehabilitate himself." The present district attorney, Joseph L. Carrigg, states: ". . . However, now the District Attorney has nothing further pending against this young man and if his application meets the approval of the Board, it would be satisfactory to me."

Investigation by the Board of Pardons indicates that this man was unquestionably guilty. However, his sentence for the crime was undoubtedly severe and because of his splendid behavior in the institution and efforts at rehabilitation, the Board has favorably considered his application. His accomplices in this crime are all out on parole. One of the victims, Mr. O. H. Yale, Uniondale, Pa., has written the Board that he is agreeable to have him released. The applicant will receive employmnt on the farm of Mr. Joseph Cerovshek at Forest City, Pa., and will be under the sponsorship of Mr. John McGranaghan, undertaker, Forest City, Pa.

The Board is of the opinion that this young man has been sufficiently punished and there is every reason to believe that the applicant will not re-enter the field of crime, and that he will live a law-abiding life in the future. The Board therefore recommends that a commutation be granted. The applicant will have served 5 years and 11 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1953.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Arthur Stewart, C-5550, No. 121-A, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Arthur Stewart, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on August 28, 1929, be commuted on Bill No. 231 from a minimum of 5 years to a minimum of 1 day, expiring on August 29, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the

Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Walter H. Thomson, No. 4416, May Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Walter H. Thomson, convicted of involuntary manslaughter in the Court of Quarter Sessions of Philadelphia County, on June 3, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of involuntary manslaughter and was sentenced by the Quarter Sessions Court of Philadelphia County to six months in the Philadelphia County Prison on the 3rd day of June, 1938.

The trial judge, Honorable Otto R. Heiligman, states: "... In my opinion, the fact that the defendant, Walter H. Thomson, had led a blameless life prior to this occurrence, and that he has served his sentence, may merit a favorable consideration of his application. . ." The assistant district attorney, James W. Tracey, Jr., likewise expressed no objection to the granting of the application.

Investigation by the Board of Pardons indicates that this accident occurred early in the morning and that none of the parties involved were intoxicated. The accident resulted in the death of one of the occupants of the car. The applicant was never involved in any criminal offense prior to this conviction. He is at present employed as an inspector in the Bureau of Highways in the City of Philadelphia. He is married and resides with his wife and three children in Philadelphia. The applicant is anxous to have hs name cleared so that he may advance himself.

The Board therefore recommends that a full pardon be granted to the applicant, believing that it will in part remove the stigma of the crime and will be of material assistance to his advancement.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Alvin Franklin Rolin Allsberry, B-1792, No. 4443, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Alvin Franklin Rolin Allsberry, convicted of robbery and receiving stolen goods in the Court of Oyer and Terminer of Allegheny County on January 16, 1930, be commuted on Bill No. 7 from a maximum of 10 years to a maximum of 9 years and 6 months, expiring on July 16, 1939; on Bill No. 8 from a maximum of 10 years to a maximum of 1 day, expiring on July 17, 1939; on Bill No. 9 from a maximum of 10 years to a maximum of 1 day, expiring on July 18, 1939, and on Bill No. 10 from a minimum of 5 years to a minimum of 1 day, expiring on July 19, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery and receiving stolen goods. He was sentenced by the Oyer and Terminer Court of Allegheny County for from 20 to 40 years in the Western State Penitentiary on the 16th day of January, 1930.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably conditionally recommend him for parole subject to favorable parole plan (1) good institutional record (2) has served 9 years and 5 months."

The trial judge, Honorable Frank Graff, states: "I wish to state that I will be satisfied with any action which the Board may see fit to take." The assistant district attorney, Ralph T. Bell, stated that the sentence was a severe one and he found sympathy with the plea of the father of the applicant, but he was not ready to join in the prayer of the petition.

Investigation by the Board of Pardons indicates that this applicant stole about eleven dollars from various persons by snatching their purses. The sentence of the court was undoubtedly a severe one in order to act as a deterrent for this type of crime that seemed to be prevelant in Allegheny County. The previous record of the applicant is of a minor nature. The applicant will be assured of a position as a truck driver with the American Reduction Company and will reside with his parents in Pittsburgh. He will be under the supervision of Mr. Arthur Walker, President of the Trade Union in Pittsburgh, Pa.

The Board is of the opinion that this applicant has been sufficiently punished and believes that if he is released he will conduct himself in a law-abiding manner.

The Board therefore recommends that his sentence be commuted. The applicant will have served 9 years and 6 months of his minimum sentence and will be under the supervision of the Board of Pardons until July, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles Angelus, D-1940, No. 4152, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Angelus, convicted of being armed to rob in the Court of Oyer and Terminer of Philadelphia County on January 29, 1937, be commuted from 5 years to 2 years and 6 months, expiring on July 29, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead nolo contendere to the crime of being armed with intent to rob. He was sentenced by the Oyer and Terminer Court of Philadelphia County for from 5 to 20 years in the Eastern State Penitentiary on the 29th day of January, 1937.

The Board of Trustees of the Eastern State Penitentiary state that he has a satisfactory conduct record and that he had made attempts at self-improvement by taking a course in bookkeeping.

The trial judge, Honorable Harry S. McDevitt, states: ". . . If you contemplate giving him serious consideration his sponsor should be scrutinized as carefully as he is . . ." The assistant district attorney, James W. Tracey, Jr., was opposed to the granting of the application.

It was stated that this applicant has rehabilitated himself and is ready for release. The applicant is assured of employment upon his release by Mr. Christ Tsikos, who conducts a restaurant in Philadelphia. Our investigation shows that the sponsor is a responsible business man of good character and reputation.

The Board therefore recommends that the sentence of the applicant be commuted. The applicant will have served 2 years and 6 months of his minimum sentence and will be under the supervision of the Board of Pardons until January, 1957.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Herbert Brandow, C-9291, No. 2285, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of Herbert Brandow, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 16, 1933, be commuted on Bill No. 436 from a minimum of 2½ years to a minimum of 8 months, expiring on July 16, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Philadelphia County for from 7½ to 15 years in the Eastern State Penitentiary on the 16th day of November, 1933.

The Board of Trustees of the Eastern State Penitentiary state that the prison conduct of this applicant is satisfactory and he has made little attempt at self-improvement. His physical condition is not of the best and he will require some hospital treatment upon his release.

The trial judge, Honorable Eugene V. Alessandroni, states: ". . . I am inclined to join in the plea for clemency, particularly because he has served 5 years of his minimum sentence and he has no previous criminal record." The assistant district attorney, James W. Tracey, Jr., Esquire, was opposed to the granting of the application.

The Board is inclined to recommend this applicant for a commutation on the basis of his youth at the time of the commission of the crime, the good reputation that he bore before its commission, the absence of a criminal record and the satisfactory parole program which is available to him.

The applicant will reside with his parents and conduct the business of his father in Philadelphia. He will be under te sponsorship of Mr. M. R. Blackman, a gentleman who enjoys a fine reputation and character. It might be noted that several of the applicant's victims have written to the Board requesting clemency. The Board therefore recommends that the sentenc be commuted.

The applicant will have served 5 years and 8 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1943.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Alfred Frederick James Daly, No. 4461, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Alfred Frederick James Daly, convicted of larceny of an automobile in the Court of Quarter Sessions of Bedford County, on June 15, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny of an automobile and was sentenced to pay a fine of one hundred and fifty dollars and was placed on probation for two years by the Court of Quarter Sessions of Bedford County on the 15th day of June, 1936.

The trial judge, Honorable Harry C. James, states: "It seems he has conducted himself properly and I believe he will continue to do so, especially if he can remove the

stain of the crime charged . . ." The district attorney, R. W. Lins, Esquire, did not reply to our letter of inquiry as to the merits of the application.

The applicant had never before been arrested. He has been employed continuously since his crime by the American Elevator and Machine Corporation, New York City. He has conducted himself in an exemplary manner since his conviction and the Board reports indicate that he is conducting himself in a splendid manner.

The Board therefore recommends that a pardon be granted to this applicant, believing that it will in part remove the stigma of the crime and will be of material assistance to his advancement.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Lester Diamond, B-2847, No. 3146, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Lester Diamond, convicted of larceny, robbery and aggravated assault and battery in the Court of Oyer and Terminer of Blair County on September 18, 1931, be commuted on Bill No. 117 from a minimum of 5 years to a minimum of 2 years, expiring on September 18, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Irving Gilinsky, B-2539, No. 2551, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Irving Gilinsky, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County on March 21, 1931 be commuted from 4 years to 9 months expiring on August 8, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of entering a building and escaping the penitentiary. He was sentenced by the Quarter Sessions Court of Allegheny County for from 4 to 8 years in the Western State Penitentiary on the 24th day of October, 1930. He escaped from the Western State Penitentiary and was apprehended and sentenced by the Quarter Sessions Court of Centre County on the 21st day of November, 1931, for from 4 to 8 years, sentence to begin at the expiration of the maximum of the original sentence.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably conditionally recommend him for parole subject to favorable parole plan (1) improved institutional attitude during past 16 months, (2) maximum term of original sentence he was serving at time of his escape from Rockview expired November 8, 1938."

The trial judge, or the district attorney of the Allegheny County Courts did not reply to our letters of inquiry. The trial judge on the escape charge. Honorable N. Ward Fleming, states that he had no objection to the commutation of the sentence. Likewise, the district attorney of Centre County, Honorable N. W. Gettig, stated that he had no objection to the release of the applicant.

Investigation by the Board of Pardons indicates that this applicant has served his maximum sentence for the Allegheny County crime and he therefore has paid the full penalty for his original offense. The applicant has been assured of employment by his brother, Jacob Gilinsky, Binghamton, New York. His family conducts a large store in Binghamton and they intend to give this young man employment therein. The Board believes that the strong family ties will be of material value in rehabilitating this applicant. The Board further believes that this applicant has been sufficiently punished and therefore recommends that his sentence be commuted.

The applicant will have served his full maximum sentence on the original offense and 9 months of his minimum

sentence for the escape charge. He will be under the supervision of the Board of Pardons until November, 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Chester W. Lawrence, D-992, No. 4427, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Chester W. Lawrence, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Adams County on November 16, 1935 be commuted from 6 years to 3 years and 8 months expiring on July 16, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of voluntary manslaughter and was sentenced by the Oyer and Terminer Court of Adams County for from 6 to 12 years in the Eastern State Penitentiary on the 16th day of November 1935.

The Board of Trustees of the Eastern State Penitentiary state that his conduct record is very good and that he has maintained a constructive attitude and is suffering from a physical handicap by reason of infantile paralysis, but he has made a determined effort to overcome that handicap. The applicant has a prior record of two juvenile charges.

The trial judge, Honorable Donald P. McPherson, is deceased and the present judge, Honorable W. C. Sheely, states: ". . . I have known Lawrence since he was a young boy and would be inclined to view his application favorably. Both his sponsor and his former employer are satisfactory, and I believe that he would be able to adjust himself . . ." The present district attorney, John P. Butt, states: ". . . I believe that the statement as recorded in the application is substantially correct and I have made some recollection of additional circumstances which causes me at this time to enter no objection to the Board extending a clemency to this subject."

Investigation by the Board of Pardons indicates that this applicant was guilty of the crime arising from an altercation in a restaurant in Chambersburg. The circumstances of the killing were such that might well be considered an act of self-defense on the part of the applicant. The applicant has served a substantial portion of his minimum sentence and if released will be assured of employment by Mr. B. P. Buohl, Gettysburg, Pa., in his restaurant. The applicant will reside at his home in Gettysburg. His sponsor will be Father Stock of St. Francis Church, Gettysburg, Pa.

The Board therefore recommends that the sentence of this applicant be commuted. The applicant will have served 3 years and 8 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Jack Walter Lawson, B-3790, No. 1751, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Jack Walter Lawson, convicted of breaking and entering a building with intent to commit a felony in the Court of Quarter Sessions of Erie County on February 7, 1927, be commuted from a maximum of 10 years to a minimum of 9 years and 6 months, expiring on July 19, 1939, and a maximum of 10 years; and that the minimum sentence of Jack Walter Lawson, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County on September 1, 1933, be commuted from a minimum of 5 years to a minimum of 1 day, expiring on July 20, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Erie County to pay a fine of two hundred dollars and imprisonment in the Western State Penitentiary for from 5 to 10 years on the 7th day of February, 1927. He escaped from the Western State Penitentiary and was apprehended and sentenced on the 1st day of September, 1933, by the Quarter Sessions Court of Centre County for from 5 to 10 years, sentence to begin at the expiration of the original maximum sentence.

The Board of Trustees of the Western State Penitentiary state: "Should probably complete maximum of original sentence he was serving at the time of his escape from Rockview, which will not expire until January 19, 1940."

The trial judge, of Erie County, did not reply to our letter of inquiry as to the merits of the application. The district attorney of Erie County, Mortimer Graham, Esquire, stated that his office did not oppose the granting of the application. Judge M Ward Fleming, of Centre County, stated that he had no objection to granting the application.

Investigation by the Board of Pardons indicates that this applicant has a criminal record and has been imprisoned practically since 1927. He returned to the Western State Penitentiary after his escape voluntarily. During his year's absence he became engaged to a young lady in Batavia, New York. It is the opinion of the Board of Pardons that this young man has been sufficiently punished and there is every reason to believe that he will lead a law-abiding life.

The Board therefore recommends that the applicant's sentence be commuted. He will have served 9 years and 6 months of his original maximum sentence of 10 years and will be under the supervision of the Board of Pardons until 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

## BOARD OF PARDONS

In re application of Edward Albert Oleckna, C-8121, No. 3209, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Edward Albert Oleckna, convicted of burglary, breaking and entering with intent to steal, in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on May 7, 1932, be commuted on Bill No. 220 from a minimum of 5 wears to a minimum of 2 years and 3 months, expiring on August 7, 1939; on Bill No. 221 from a minimum of 5 years to a minimum of 1 day, expiring on August 8, 1939; and on Bill No. 236 from a minimum of 5 years to a minimum of 1 day, expiring on August 9, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, breaking and entering with intent to steal. He was sentenced by the Oyer and Terminer Court of Lackawanna County for from 20 to 40 years in the Eastern State Penitentiary on the 7th day of May, 1932.

The Board of Trustees of the Eastern State Penitentiary state that the prisoner's conduct record has been satisfactory and that he has learned the trade of a mechanical dentist and is considered a good worker He has a previous record of two convictions for the same crime.

The trial judge, Honorable E. C. Newcomb, is deceased, and the present judge, Honorable Will Leach, states: "I know of no facts to contradict the statements of the applicant for pardon." The assistant district attorney, Murphy, stated that the sentence was a most severe one and that the applicant deserves a chance and therefor should be commuted.

Investigation by the Board of Pardons indicates that the applicant is unquestionably guilty. Three of his five accomplices have had their sentences commuted. The applicant has shown a splendid attitude in the penitentiary and has become proficient as a mechanic in dentistry. There is every reason to believe that this applicant will not re-enter the field of crime upon his release. He will be able to obtain a gainful employment as a mechanical dentist if such a position is available. He is assured of employment by Mr. Adam Stuble at Dickson City, Pa., in his tailor ship. He will reside at his parents home and will be under the sponsorship of Mr. Stuble of Dickson City.

The Board therefore recommends that the sentence be commuted. The applicant will have served 7 years and 2 months of his minimum sentence and will be under the supervision of the Board of Pardons until August, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of Leo Palmatier, D-1250, No. 4247, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Leo Palmatier, convicted of larceny and receiving in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County on April 14, 1936 be commuted from 5 years to 3 years and 3 months expiring on July 14, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny and was sentenced by the Oyer and Terminer Court of Luzerne County for from 5 to 10 years in the Eastern State Penitentiary on the 14th day of April, 1936.

The Board of Trustees of the Eastern State Penitentiary state that his prison record has been satisfactory and he has maintained a constructive attitude. He has improved himself by attending school. His previous record consists of one arrest.

The trial judge, Honorable John S. Fine, states: "I believe that the applicant, Leo Palmatier, has been sufficiently punished for the crime which he has committed. If the imprisonment undergone has fulfilled its corrective purpose, there should be no objections to his discharge." The assistant district attorney, Dando, stated that he had no objection to granting the application.

The Warden of the Luzerne County Prison, to which the applicant has now been transferred, states that he has every reason to believe that he will lead a law-abiding life in the future. The Chief of Police of Wilkes-Barre, J. Russell Taylor, states that he had no objection to a parole for this applicant.

Investigation by the Board of Pardons indicates that this applicant was a young man in his eighteenth year when he became involved with a group of boys who were stealing an automobile. It is the opinion of the Board that this young man will conduct himself properly upon his release, having learned a salutary lesson. He will be employed by the Capitol Garage, Scranton, Pa., and Mr. Herbert Dooley, the owner of the garage, will likewise act as his sponsor. He will reside with his Aunt in Scranton, Pa.

The Board therefore recommends that the sentence of the applicant be commuted. He will have served 3 years and 3 months of his minimum sentence and will be under the supervision of the Board of Pardons until 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of Phil Poghen, B-5650, No. 3728, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Phil Poghen, convicted of robbery with aggravated circumstances, receiving stolen goods in the Court of Oyer and Terminer of Beaver County on July 21, 1937 be commuted form 2½ years to 2 years expiring on July 21, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and receiving stolen goods and was sentenced by the Oyer and Terminer Court of Beaver County for from 2½ to 5 years in the Western State Penitentiary on the 21st day of July 1937.

The Board of Trustees of the Western State Penitentiary state: "If this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record."

The trial judge, Honorable Frank E. Reader, was opposed to the granting of clemency. Likewise, the district attorney, Robert E. McCreary, Esquire, states that he is opposed to clemency.

Investigation by the Board of Pardons indicates that this applicant was incarcerated in the Beaver County Jail on the 15th day of February, 1937, and was held in the county prison until the trial and conviction on the 21st day of July, 1937. On the 28th day of May, 1937, there was enacted a law which provided that all sentences should be computed from the date of actual imprisonment. This is the Act of 1937, P. L. 1036. Therefore this man will have served at the date of his release two years and six months, his minimum sentence.

The Board therefore recommends that his sentence be commuted, provided he has a satisfactory sponsor, job and home to the Supervisor of Paroles. The applicant will be under the supervision of the Board of Pardons until 1942.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Joseph Polky, B-16161, No. 122A, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Joseph Polky, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on September 26, 1929, be commuted on Bill No. 143 from a maximum of 4 years to a maximum of 1 year, 11 months and 28 days, expiring September 24, 1939; on Bill No. 144 from a maximum of 4 years to a maximum of 1 day, expiring September 25, 1939; and on Bill No. 145 (Bills 146, 147, 148, 149, 896 and 897 concurrent) from a minimum of 2 years to a minimum of 1 day, expiring on September 26, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Benjamin Rigberg, No. 4449, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Benjamin Rigberg, convicted of larceny by clerk, servant and employe, fraudulent conversion in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on June 4, 1934, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of fraudulent conversion, larceny by a clerk and embezzlement by an employe. He was sentenced by the Court of Quarter Sessions and Oyer and Terminer of Philadelphia County to ten years on probation on the fourth day of June, 1934.

The trial judge, Honorable James Gay Gordon, did not reply to our letter of inquiry as to the merits of the application. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the pardon.

Investigation by the Board of Pardons indicates that this applicant embezzled approximately six thousand dollars from his employer. The applicant confessed his crime and has made complete restitution of the money taken from his employer.

The applicant, since his sentence, has graduated from the University of Illinois and has been recommended for a position on the faculty of the University of Illinois for the school year of 1939-40. The Board is of the opinion that this young man is deserving of the clemency of the State as he has demonstrated by his conduct since his arrests and sentence that he proposes to live a law-abiding life.

The Board therefore recommends that a pardon be granted, believing that it will in part remove the stigma

of the crime and will be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of James Arco Ross, B-2301, No. 2565, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of James Arco Ross, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on June 20, 1928, be commuted on Bill No. 54 from a maximum of 2 years to a minimum of 1 year and 1 month, expiring on August 2, 1939, and a maximum of 2 years; and that the minimum sentence of James Arco Ross, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County on November 10, 1930, be commuted from a minimum of 6 years to a minimum of 1 day, expiring on August 3, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Allegheny County for from 6 to 12 years in the Western State Penitentiary on the 20th day of June, 1928. The applicant escaped from the Western State Penitentiary and was apprehended and sentenced by the Oyer and Terminer Court of Centre County from 6 to 12 years on the 10th day of November, 1930, sentence to begin at the expiration of the maximum of the original sentence.

The Board of Trustees of the Western State Penitentiary state: "Should at least complete maximum of original sentences he was serving at the time of the escape from Rockview, which will not expire until July 2, 1940."

The trial judge, Honorable Joseph Swearington, is deceased, and the present judge, Honorable Ambrose Reid, states that he is opposed to the granting of a commutation. The assistant district attorney, Russell H. Adams, stated that he was not opposed to the granting of the application. M. Ward Fleming, former judge of Centre County, stated that he had no objection to the granting of the application.

Investigation by the Board of Pardons indicates that this prisoner was improperly sentenced for the escape charge. Under the rule laid down in Commonwealth vs. Ashe, 330 Pa., 289, this applicant should have received a sentence of 1 to 2 years on the escape charge, rather than a 6 to 12 year sentence. The applicant has been offered employment by Mr. Harley Schoolcraft, Sandridge, West Virginia. The Sheriff of Calhoun County, West Virginia, states that the applicant's prospective employers are good people. The applicant has been imprisoned for many years, having previously served a sentence in the Ohio State Penitentiary.

This applicant, in the opinion of the Board, has been sufficiently punished. Under the sponsorship and employment of his friends in West Virginia, it is felt that he will live a law-abiding life. The Board therefore recommends that his sentence be commuted.

The applicant will have served 11 years and 1 month of his original maximum sentence and will be under the supervision of the Board of Pardons until 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Silvio Saracino, No. 4499, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Boards of Pardons recommend that Silvio Saracino, convicted of aggravated assault and battery, assault and battery to kill in the Court of Quarter Sessions of Philadelphia County, on May 28, 1926, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of aggravated assault and battery and assault and battery with intent to kill. He was sentenced by the Quarter Sessions Court of Philadelphia County for from 18 months to 3 years in the Eastern State Penitentiary on the 28th day of May, 1926. He was released on parole on the 28th day of November, 1927, and his parole expired on the 28th day of May, 1929.

Since his release from the penitentiary the applicant has not been involved in any criminal activities whatsoever and for the past eleven years has conducted a shoe repairing shop in Philadelphia. The applicant is married and has three children. He is asking for this pardon in order to avoid deportation to Italy and to become eligible for naturalization. The applicant married an American born wife and has three children who are American born citizens.

The Board therefore recommends a full pardon for this applicant, believing that it will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Richard Scattergood, C-7040, No. 3408, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment of Richard Scattergood, convicted of robbery, being armed with an offensive weapon, in the Court of Oyer and Terminer of Philadelphia County on April 29, 1931, be commuted on Bill No. 1568 from a maximum of 20 years to a maximum of 8 years and 3 months, expiring on July 29, 1939; and on Bill No. 1569 from a minimum of 10 years to a minimum of 1 day, expiring on July 30, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer Court of Philadelphia County for from 20 to 40 years in the Eastern State Penitentiary on the 29th day of April, 1931.

The Board of Trustees of the Eastern State Penitentiary state that this man has a good conduct record and that he has been profitably employed in the penitentiary in the woodwork department. The applicant has no known previous criminal record.

The trial judge, Honorable Harry S. McDevitt, states: ". . . He is industrious and he associates only with the better type of prisoners. He has cooperated during his 8 years in the penitentiary and has a pleasant personality. I think he is as good a risk as you will find before you." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that in his opinion he has served a substantial portion of his sentence and that he believes he has been punished enough.

Investigation by the Board of Pardons indicates that this man was involved in a series of robberies of occupants of automobiles. The father of the applicant will act as his sponsor and he will reside in New York with his father. He has been assured of employment by Mr. Theodore Mentz in New York City, who conducts an Addressograph and Mimeograph Machine Business.

The Board believes that this man has been sufficiently punished and that his parole program is satisfactory. The Board therefore recommends that his sentence be commuted. He will have served 8 years and 3 months of his minimum sentence and will be under the supervision of the Board until July, 1959.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Joseph Scheuren, C-7825, No. 3680, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Joseph Scheuren, convicted of robbery, being armed with an offensive weapon, in the Court of Oyer and Terminer of Philadelphia County on March 7, 1932, be commuted on Bill No. 1620 from a maximum of 20 years to a maximum of 7 years and 5 months, expiring on August 7, 1939; on Bill No. 1621 from a maximum of 20 years to a maximum of 1 day, expiring on August 8, 1939; and on Bill No. 1622 from a minimum of 5 years to a minimum of 1 day, expiring on August 9, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer Court of Philadelphia County for from 20 to 60 years in the Eastern State Penitentiary on the 7th day of March, 1932.

The Board of Trustees of the Eastern State Penitentiary state that he has a satisfactory prison record and has made attempts at self-improvement. His previous record consists of four arrests of a minor nature, with no convictions.

The trial judge, Honorable Harry S. McDevitt, states: "* * * If his conduct on the outside is to be depended upon to be as good as his conduct on the inside he might be a good investment." The assistant district attorney, James W. Tracey, Jr., Esquire, states that he has no objection to the granting of the application as the applicant has served a substantial portion of his time.

Investigation by the Board of Pardons indicates that this applicant, together with three accomplices, was involved in a series of armed robberies. Our investigation indicates that this applicant was a young man at the time of his conviction and the prison sentence has shown him the error of his way. The applicant has been assured of employment by Anthony Loguirate of Philadelphia as a truck driver. He will be under the sponsorship of his mother, who is a person of good character and reputation.

The Board believes that this applicant has been sufficiently punished and believes that he, if released, will live a law-abiding life. The Board therefore recommends that the sentence be commuted.

The applicant will have served 7 years and 5 months of his minimum sentence and will be under the supervision of the Board of Pardons until August, 1959.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

---

BOARD OF PARDONS

In re application of John Schneider, No. 4479, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Schneider, convicted of conspiracy in the Court of Quarter Sessions of Allegheny County, on June 27, 1932, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of conspiracy and was sentenced by the Quarter Sessions Court of Allegheny County to one year in the Allegheny County Work House and to pay a fine of two hundred dollars on the 27th day of June, 1932.

The trial judge, Honorable R. L. Hildebrand, did not reply to our letter of inquiry as to the merits of the application. The assistant district attorney, Ralph T. Bell, stated that he took no position as to the merits of the application.

Investigation by the Board of Pardons indicates that this applicant was convicted of conspiracy to violate the election laws by reason of adding nine hundred false names to the registration rolls. The applicant was a candidate for re-election as constable in 1931 and the campaign was a merciless and lawless one. The applicant alleges that his opponent was the one who was actually guilty of the conspiracy. It was stated before the Board that this applicant ran for a public office in his ward in Pittsburgh in a recent election and received a very flattering vote. The Board is of the opinion that this applicant has conducted himself in a satisfactory manner since his conviction and that his neighbors have attested to his good character by giving him such a splendid vote in a recent election.

The applicant desires employment either with the County of Allegheny or the Commonwealth of Pennsylvania and it is necessary that he have a pardon to be eligible

for this empolyment. The Board therefore recommends that a full pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John J. Warcop, No. 4474, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John J. Warcop, convicted of rape in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 30, 1920; and convicted of robbery in the Court of Oyer and Terminer of Philadelphia County on February 14, 1928, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of rape and was sentenced by the Oyer and Terminer Court of Philadelphia County for from 2 to 3 years in the Eastern State Penitentiary on the 30th day of January, 1920. He received his final discharge from parole on the 30th day of January, 1923.

The applicant also plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Philadelphia County for from 1½ to 3 years in the Philadelphia County Prison on the 14th day of February, 1928.

The trial judge, Honorable Francis Shunk Brown, states: ". . . The question is one of policy as to whether or not a man who has committed crimes in the past should be pardoned in order to prevent his deportation, and in my opinion it should receive the most careful consideration of the Board, which it no doubt will." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the application.

The Supervisor of Paroles, Courtland Butler, states that the applicant is deserving of every consideration. He is a regular attendant at the church of Rev. Linn Bowman, Philadelphia and has maintained a splendid work record since his release. Unless he secures a pardon it will mean his deportation to England. The applicant is married and has a small daughter. For the past ten years the applicant has been employed by the Philco Manufacturing Company, Philadelphia, and has maintained a fine reputation, both in his neighborhood and at his place of employment. Dr. Linn Bowman, Restoration Director of the Eastern State Penitentiary, has acted as his sponsor.

The Board therefore recommends that a full pardon be granted, believing that it will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Paul Joseph Washkewitz, C-5008, No. 2602, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Paul Joseph Washkenwitz, convicted of assault to kill, conspiracy, assault with other person to rob, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 17, 1928, be commuted on Bill No. 948 from a minimum of 3½ years to a minimum of 7 months, expiring on July 17, 1939; on Bill No. 945 from a minimum of 1½ years to a minimum of 1 day, expiring on July 18, 1939; and on Bill No. 949 from 1 year to 1 day, expiring on July 19, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of armed robbery, assault to kill and carrying concealed deadly weapons. He was sentenced by the Oyer and Terminer Court of Philedelphia County for from 15 to 30 years in the Eastern State Penitentiary on the 17th day of December, 1928.

The Board of Trustees of the Eastern State Penitentiary state that this man's conduct record is satisfactory and that he has made serious attempts at self-improvement by completing three correspondence courses.

The trial judge, Honorable Harry S. McDevitt, states that when he is realeased he needs a sponsor that can make him understand that he means what he says. The assistant district-attorney, James W. Tracey, Jr., Esquire, offered no objections to the application.

Investigation by the Board of Pardons indicates that this man, together with an accomplice who has since died, was involved in a series of robberies. The applicant has a lenghty prior criminal record. However, the applicant has served a considerable portion of his sentence and has shown marked improvement in his conduct, having made very serious efforts at rehabilitation. Upon his release he expects to be married, which might help him in his efforts to live a law-abiding life. He has been assured of employment by Mr. George Kolinski, who operates a dairy farm in Bridgeport, Pa. Mr. Kolinski has also agreed to be his sponsor. Our investigation indicates that Mr. Kolinski is a man of good reputation and character and will properly supervise the applicant.

The Board therefore recommends that commutation be granted. The applicant will have served 10 years and 7 months of his minimum sentence and will be under the supervision of the Board of Pardons until December, 1948.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Owen L. Weaver, C-5445, No. 3966, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Owen L. Weaver, convicted of being armed with an offensive weapon to rob, assault to rob, etc. in the Court of Oyer and Terminer and Quarter Sessions of Berks County on December 4, 1922 be commuted from

9 years to a minimum of 9 years and 2 months expiring on August 7, 1939, and a maximum of 9 years.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon, and was sentenced by the Oyer and Terminer Court of Berks County for from 10 to 20 years in the Eastern State Penitentiary on the 7th day of June, 1929, the sentence to commence at the expiration of the maximum sentence of 6 to 9 years imposed for robbery by the Berks County Court on December 4, 1922.

The trial judge, Honorable Robert Mays, did not reply to our letter of inquiry. The present district attorney, James F. Marx, stated: "We feel that this commutation should be granted. It would certainly be harsh to require this man to return to the Western State Penitentiary at this time. We feel that here is a case which really deserves the Board's consideration."

The Board of Trustees of the Eastern State Penitentiary state that this man has a satisfactory institutional record and that he has made serious attempts at rehabilitation. The applicant was unquestionably guilty of the crime by reason of which he had violated his parole of a previous sentence. The applicant has served continuously almost 15 years.

It is the opinion of the Board of Pardons that he has been sufficiently punished. The Board therefore recommends that this man's sentence be commuted, conditioned on the applicant having assured to him an occupation, a home and a sponsor satisfactory to the Supervisor of Paroles.

The applicant will have served ten years and two months of his sentence and will be under the supervision of the Board of Pardons until June, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of Raymond A. Williams, No. 4469, June Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Raymond A. Williams, convicted of driving an auto while intoxicated in the Court of Quarter Sessions of Philadelphia County, on January 18, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

On the 18th day of January, 1938, the applicant plead guilty to the crime of driving an automobile while intoxicated and was sentenced by the Quarter Sessions Court of Philadelphia County to one year on probation and payment of the costs.

The trial judge, Honorable Harry S. McDevitt, states: "I think the ends of justice have been served by the penalty imposed upon this man and the deprivation suffered by him during the past year. I have no objection to a pardon if you see fit to grant it." The assistant district attorney, James W. Tracey, Jr., stated that he had no objection to the granting of the application.

Investigation by the Board of Pardons indicates that this applicant had no prior criminal record and since his conviction he has conducted himself in a law-abiding manner The applicant is now a student at the LaSalle College Philadelphia, and resides with his mother in that city.

It is the opinion of the Board that this young man has been taught a salutary lesson and that he will no longer mix alcohol with gasoline. The Board is of the opinion that a pardon will be of material assistance to this young college student in his future advancement.

The Board therefore recommends that a full pardon be granted to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of William Beard, C-3855. No. 838, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of William Beard convicted of attempted robbery, escape and operating an automobile without consent of owner in the Court of Oyer and Terminer and Quarter Sessions of Berks County on (1) February 26, 1927 (2) November 19, 1937, be commuted from 15 years to a maximum of 1 year, 9 months and a maximum of 15 years expiring on October 24, 1939

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the charge of attempted robbery and was sentenced by the Court of Over and Terminer and Quarter Sessions of Berks County for from 7½ to 15 years in the Eastern State Penitentiary on the 26th day of February, 1927. He escaped from the Berks County Prison in June, 1933, and received an additional sentence to run concurrently for escape. His sentence was commuted by the Board of Pardons on the 3rd day of July, 1937. He violated his parole by reason of a sentence of three months in Montgomery County on November 19, 1937, for operating an automobile without consent of owner and was sentenced to three months in the Montgomery County Prison.

The Board of Trustees of the Eastern State Penitentiary states that he has a satisfactory institutional record and that he made efforts of self-improvement. The judge, the Honorable John Stevens, is deceased, and the president judge, the Honorable Paul N. Schaeffer, of Berks County, writes as follows: . . . "In the case of William Beard, I have always considered his original sentence unduly severe. I was not the trial judge and was not consulted about the sentence imposed; but several weeks before the trial I had heard his application for a writ of habeas corpus and had before me the individual who had accosted Beard in the Alabam Club of Philadelphia and posed unlawfully as a Federal Officer and who had accompanied Beard to his mother's home near Birdsboro in this county for the sole purpose of extorting $300 from Beard under threat of arrest for illegal possession and transportation of liquor. Beard had come to Philadelphia with a suit-case containing four bottles of liquor he had smuggled into the country and was taking home. He had opened the suit-case at the Alabam Club and taken out one bottle and then checked the suit-case. When he came to claim the suit-case the man posed as an officer said that he was under arrest and after a parley agreed to go with Beard to his mother's home to get $300, which was to be the price for letting him go. When in the mother's home Beard did get a weapon, pointed it at the officer and taxi-driver and ordered them out. Under those facts, I refused to discharge Beard on the petition for

habeas corpus and he went on for trial berofe Judge Stevens who took, in my estimation, and unduly severe view of the matter and imposed a sentence which I did not think was justified. When Beard, seven years later, escaped from the Berks County Prison Farm, I urged our district attorney not to bring him back for the reason that I thought he had already served more than a just term. But when he was brought back, this court imposed a sentence of only three months to run concurrently with his former sentence and we regretted that we had to do that. I urge careful consideration of Beard's case."

The Board of Pardons believes this man has been sufficiently punished and recommend that his sentence be commuted, believing that the opinion of Judge Schaeffer, as outlined in his letter above, stated the merits of the case without any question.

The Board, therefore, recommends that his sentence be commuted. The applicant has served 1 year and 9 months of the remaining portion of his maximum sentence of 15 years, expiring on the 24th day of October, 1939, having been released on parole after serving 10 years of his 15 years maximum sentence. He will be under the supervision of the Board of Pardons until January 24. 1943.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Mark Bronson, B-4501, No. 2735, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Mark Bronson, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on March 26, 1935 be commuted from 5 years to 4 years and 7 months expiring on October 26, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Allegheny County for from 5 to 10 years in the Western State Penitentiary on the 26th day of March, 1935.

The Board of Trustees of the Western State Penitentiary states: . . . "if this inmate were eligible to apply for parole, we would probably conditionally recommend him for parole subject to arrangements for proper hospitalization. This applicant has advanced pulmonary tuberculosis, and according to our Resident Physician, should have sanatorium treatment." The trial judge. Honorable John P. Egan, states ". . . while the sentences imposed by me were not severe under the circumstances of the cases, nevertheless if it is established that the man is suffering from a serious illness then I would recommend his release so that he could receive treatment under more favorable circumstances." The Assistant District Attorney Bell, stated that he has no objection to his release, because, first he had served almost his minimum sentence, second, he needs hospitalization. The investigation of the Board of Pardons indicates that the applicant has no prior criminal record and that during his imprisoment he has conducted himself properly. The applicant is suffering from pulmonary tuberculosis and that his case is far advanced. The report of the resident physician indicates that the applicant can only do the mildest type of work. The Board was also assured by attorney, L. P. McGrath, of Pittsburgh, that the applicant would be admitted to the Allegheny County Hospital, Woodville, Pennsylvania.

The Board, therefore, recommends the applicant sentence be commuted subject to hospitalization, approved by the Department of Health, Commonwealth of Pennsylvania. The applicant will have served 4 years and 7 months of his minimum sentence expiring October 26, 1939. He will be under the supervision of the Board of Pardons until March 26, 1945.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Raymond Cobb, C-7004, No. 3583, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Raymond Cobb, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 22, 1931 be commuted from 10 years to 8 years, 6 months expiring on October 21, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 10 to 20 years to the Eastern State Penitentiary on the 22d day of April, 1931.

The Board of Trustees of the Eastern State Penitentiary states that his conduct is satisfactory; he is a conscientious and efficient worker; has completed a typing and shorthand course; has been employed in the prison office. His prior record consists of two arrests of minor offenses. The trial judge, the Honorable Harry S. McDevitt, states: "* * * I am inclined to feel that he has been rehabilitated, and if you think he has been sufficiently punished I have no objection to any action you take." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he believes the applicant sufficiently punished and is not opposed to the granting of the application. The investigation of the Board of Pardons indiciates that this young man has no relatives and has been a wanderer since youth. The Pennsylvania Prison Society will be financially responsible for him until he obtains employment and they have assured the Board of Pardons that they will make every effort to obtain for him a job. Mr. Harries, Secretary of the Prison Association, will be his sponsor.

The Board believes that this young man has been sufficiently punished and that his parole program indicates that he will live a law-abiding life in the future.

The Board, therefore, recommends that his sentence be commuted. The applicant will have served 8 years and 6 months of his minimum sentence and will be under the supervision of the Board of Pardons until April. 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.

WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Edward Crago, B-2330, No. 2844, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Edward Crago, convicted of robbery in the Court of Oyer and Terminer of Fayette County on November 22, 1930, be commuted on Bill No. 15/78 from a maximum of 2 years to a maximum of 11 months, 26 days expiring on November 18, 1939; on Bill No. 16/79 from a maximum of 2 years to a maximum of 1 day expiring on November 19, 1939; on Bill No. 19/82 from a maximum of 2 years to a maximum of 1 day expiring on November 20, 1939; on Bill No. 21/84 from a maximum of 2 years to a maximum of 1 day expiring on November 21, 1939; on Bill No. 23/86 from a minimum of 1 year to a minimum of 1 day expiring on November 22, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Aurelio Gonzales, D-202, No. 4522, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Aurelio Gonzales, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on December 14, 1933, to begin August 15, 1933 be commuted from 10 years to 4 years and 10 months expiring on October 8, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County for from 10 to 20 years in the Eastern State Penitentiary on the 8th day of December, 1934.

The Board of Trustees of the Eastern State Penitentiary states that his prison conduct has been satisfactory. The applicant has no known previous criminal record. A deportation warrant is on file for deportation to Spain. The trial judge, the Honorable E. C. Newcomb, is deceased, and there was no expression of opinion as to the merits of the application by the court of Lackawanna County. The assistant district attorney, Murphy, stated that he would agree to the release of the prisoner provided that he was absolutely deported. The Board of Pardons commuted an accomplice of the applicant in December, 193 .

The Board recommends this commutation of the sentence provided only that the applicant be deported and that on his release from the Penitentiary, he be placed in the custody of the Officer of the United States Immigration Service.

The applicant will have served 4 years and 10 months of his minimum sentence and will be under the supervision of the Board of Pardons until December 8, 1954.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Horak, C-7563, No. 4229, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the minimum sentence of John Horak, convicted of entering with intent to steal and larceny in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County on 1st day of December, 1931, be commuted on Bill No. 1040 from a minimum of 5 years to a minimum of 2 years, 10 months expiring on October 1, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of entering with intent to steal and larceny and was sentenced by the Court of Oyer and Terminer and Quarter Sessions in Philadelphia County for from 10 to 20 years in the Eastern State Penitentiary on the 1st day of December, 1931

The Board of Trustees of the Eastern State Penitentiary states that he has a good record in the institution and has been employed in the print shop practically his entire time. Upon his release he will be sent to the Ohio State Reformatory to complete a sentence in that State. The trial judge, the Honorable Harry S. McDevitt, states: "* * * He is of a weak, dull mentality that succumbs very easily, and I am inclined to think that if he were transferred to a reformatory, such as the one in Ohio that has a detainer lodged against him, it might help him." The assistant district attorney, James W. Tracey, Jr., Esquire, states that he has no objection to his release provided he is sent to the State of Ohio to serve his unexpired term in that state. The investigation of the Board of Pardons indicates that this applicant has a prior record of considerable length in various states of the union and that after his term in Ohio, the State of New Jersey has a detainer lodged against him.

The Board, therefore, recommends that his sentence be commuted on the condition that he be placed in custody of the Ohio State authorities upon his release from the Eastern State Penitentiary. The applicant will have served seven years and ten months of his minimum sentence and will be on parole in Pennsylvania until December, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Lorenzo Jackson, B-4373, No. 3134, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Lorenza Jackson, convicted of entering a building, entering a railroad car with intent to commit a felony in the Court of Quarter Sessions and Oyer and Terminer of Allegheny County on October 18, 1934, be commuted on Bill No. 721 from a maximum of 3 years to a maximum of 2 years 29 days, expiring November 17, 1939; on Bill No. 719 from a minimum of 1 year 6 months to a minimum of 1 day expiring on November 18, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Vince Jordan, B-4625, No. 3564, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Vince Jordan, convicted of burglary, in the Court of Oyer and Terminer of Allegheny County on August 1, 1935, be commuted from 5 years to 4 years and 2 months, expiring on October 1, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and was sentenced by the Court of Oyer and Terminer of Allegheny County for from 5 to 10 years in the Western State Penitentiary on the 1st day of August, 1935.

The Board of Trustees of the Western State Penitentiary states that if this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first imprisonment (2) excellent work and conduct records (3) very cooperative inmate. The trial judge, the Honorable T. M. Marshall, states: ". . . from the things that I have heard since I sentenced this man I am rather inclined to think that a pardon would be proper. He was more of

the "petty thief" type and I believe the family were very hard up. Frank Ritz, the County Detective from that district, has so informed me on one occasion." The Assistant District Attorney, Bell, stated that he had no objection, as his brother, Millard Jordan, serving the same sentence was commuted by the Board of Pardons on the 23rd day of December, 1938. The investigation of the Board of Pardons reveals that the applicant together with his brother and two brothers-in-law committed a series of offenses in Western Pennsylvania. They alleged that being out of work and having dependents upon them they were compelled to steal to avoid starvation. The applicant has been assured employment with the Dependable Coal Company, Imperial, Pennsylvania, and Mr. Leon Chiri, owner of the Coal Company will act as his sponsor. The applicant will reside with his brother in Imperial, Pennsylvania.

The applicant will have served 4 years and 2 months of his minimum sentence expiring on the 1st day of October, 1939, and will be under the supervision of the Board of Pardons until August 1, 1945.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Julius Klein, No. 4547, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Julius Klein, convicted of larceny in the Court of Oyer and Terminer and Quarter Sessions of Northampton County, on February 14, 1921 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny and was sentenced to two years on parole and payment of the costs of prosecution by the Court of Oyer and Terminer and Quarter Sessions of Northampton County on the 14th day of February, 1921.

The trial judge, the Honorable Herbert F. Laub, did not reply to our letter of inquiry and the district attorney, William A. Frack, states that he had no information on the subject. The investigation of the Board of Pardons reveals the applicant has no known previous record and since his release he has conducted himself as a law-abiding citizen. He now conducts his own business at No. 232 Third Avenue, New York City, New York, He is married and has two children. The Chief Probation Officer of the County of Bronx, New York, reports that he conducts a business employing six persons and average about $3,000 a year income.

The Board believes that this man has thoroughly rehabilitated himself and will not violate the law in the future.

The Board, therefore, recommends that a full pardon be granted to him believing that it will in part remove the stigma of the crime from the applicant and his family and be of material assistance to his business advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Frank Kohler, C-9292, No. 2536, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Kohler, convicted of robbery in the Court of Quarter Sessions of Philadelphia County on November 16, 1933 be commuted on Bill No. 436 from a minimum of 2 years to a minimum of 11 months, expiring on October 16,1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty of the crime of robbery and was sentenced by the Quarter Sessions Court of Philadelphia County for from 7½ to 15 years in the Eastern State Penitentiary on the 16th day of November, 1933.

The Board of Trustees of the Eastern State Penitentiary states that his prison conduct has been satisfactory and he has made some attempt of self-improvement. The applicant has no known previous criminal record. The trial judge, the Honorable Eugene V. Alessandroni, did not express his opinion as to the merits of the application. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that this applicant stands on the same footing as his accomplice. Herbert Brandow, who was commuted by the Board of Pardons on July 14, 1939. The investigation of the Board of Pardons indicates that this applicant was guilty of the offense. If released he is assured of employment with the Hanscom Bakery Company, and will reside with his father in the City of Philadelphia.

The Board is inclined to recommend this applicant for a commutation on the basis of his youth at the time of the commission of the crime, and his efforts at rehabilitation during his term of commitment. The applicant will have served five years and eleven months of his minimum sentence and will be under the supervision of the Board of Pardons until November, 1948.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Gennaro Malatesta, No. 4528, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Gennaro Malatesta, convicted of breaking and entering, larceny, receiving stolen goods in the Court of Quarter Sessions of Erie County, on March 8, 1931 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was sentenced by the court of Quarter Sessions of Erie County for the crime of breaking and

entering, larceny and receiving stolen goods to imprisonment in the Allegheny County Workhouse for from 1½ to 3 years and pay a fine of ten dollars and costs of prosecution on the eighth day of March, 1931.

The Board of Pardons did not receive from the sentencing judge or district attorney any expression of opinion as to the merits of the case. The investigation of the Board of Pardons indicates that he has led a law-abiding life except for two minor violations of the motor code. Since his release from the Allegheny County Workhouse in 1932, he has been employed and at present is employed by Mr. Nestor Dimick, as a garage helper in Erie, Pennsylvania.

The applicant is married to an American citizen and they have one child. The applicant is threatened with deportation because of the crime committed in 1931.

The Board feels deportation would work a manifest injustice to the applicant and his family. He is leading a law-abiding life and the Board recommends that a full pardon be granted to him.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Ernest Mullen, C-6445, No. 4540, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Ernest Mullen, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 24, 1930 be commuted from 10 years to 9 years and 1 month expiring on October 24, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 10 to 20 years in the Eastern State Penitentiary on the 24th day of September, 1930.

The Board of Trustees of the Eastern State Penitentiary states that his prison record has been satisfactory and that he is employed in the shoe shop for about eight years. However, he is now in the prison hospital with active pulmonary tuberculosis. The prison officials recommend that he should be released upon definite hospitalization. The trial judge, the Honorable James G. Gordon, Jr., did not express his opinion as to the merits of the application. The assistant district attorney, James W. Tracey, Jr., Esquire, stated he had no objection as to the release of this applicant provided he is committed to a hospital where he could receive proper treatment for his disease. The investigation of the Board of Pardons indicates that the applicant has a prior criminal record of some lenght consisting largely of crimes of robbery and larceny. However, the medical report of the prison authorities indicate that his health is seriously impaired and requires hospitalization.

The Board of Pardons, therefore, recommend the sentence of this applicant be commuted, subject to proper hospitalization as approved by the Department of Health, Commonwealth of Pennsylvania. The applicant will have served nine years and one month of his minimum sentence expiring on the 24th day of October, 1939. He will be under the supervision of the Board of Pardons until September 24, 1950.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Reuben Pototsky, No. 4143, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Reuben Pototsky, convicted of embezzlement by employee of corporation, forgery, forgery endorsement of a check in the Court of Quarter Sessions of Philadelphia County, on November 10, 1937 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of embezzlement by employee of corporation, forgery and forgery of endorsement of a check and was sentenced by the Court of Quarter Sessions of Philadelphia County for from 3 months to 3 years in the Philadelphia County Prison on the 9th day of November, 1937. The Court reconsidered its sentence in open court on the 10th day of November, 1937, and suspended and placed the applicant on probation for three years.

The trial judge, the Honorable Frank Smith, states: ". . . It appears from the evidence which was supported by the testimony of the officers that this man had a salary of $1200 per year; that he had a wife who was suffering from a spinal disease and a 10 year old child; that the doctors' bills ate up all of his income. It also appeared that before this mis-appropriation, he had an excellent reputation. Mr. Moss of the Attorney General's office made a statement in open court that nearly all of the checks which the defendant misappropriated were used to pay doctors' bills. He lived in two small rooms and apparently had no outside extravagances. Mr. Moss at the time stated to the court that he was most sympathetic with the defendant, and based upon these statements in open court, I re-considered my sentence and placed this man on probation. I note that he desires to engage in business and for that reason, wants a pardon. I have no suggestions to make. It seems to be a matter entirely within the discretion of the Pardon Board." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection of the granting the application. The investigation of the Board of Pardons indicates that applicant is married and has one son and he is now engaged in the real estate business as an agent for the General Insurance Company of Philadelphia. The applicant is desirous of improving his business capacity and he requires a fidelity bond in order to act as a rental agent and to sell certain type of insurance policies.

The applicant has no prior criminal record and his conduct since his sentence has been excellent.

The Board recommends that a pardon be granted believing that it will be of value to him in his business advancement and partly remove the stigma of the crime for himself and family.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.

CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Maurice W. Smith, B-2835, No. 123A, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Maurice W. Smith, convicted of breaking and entering, felonious entry, breaking, entering and larceny, breaking, entering, and larceny, larceny, breaking, entering and larceny, breaking and entering in the Court of Oyer and Terminer of Blair County on September 8, 1931, be commuted on Bill No. 77 from a maximum of 2 years to a maximum of 1 month, 28 days expiring on November 6, 1939; on Bill No. 78 from a maximum of 2 years to a maximum of 1 day expiring on November 7, 1939; on Bill No. 79 from a minimum of 1 year to a minimum of 1 day expiring on November 8, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Ventura, No. 4552, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Ventura, convicted of unlawful possession of liquor in the Court of Quarter Sessions of Philadelphia County, on October 4, 1932 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of possessing six barrels of wine and received a suspended sentence by the Court of Quarter Sessions of Philadelphia County on the 4th day of October, 1932.

The trial judge, the Honorable Eugene V. Alessandroni, stated: "* * * The entire proceeding was held to be a violation of the relevant section of the Bill of Rights, and set aside. It is my impression that the petitioner, John Ventura, pleaded guilty before the question was raised." the assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the application. The investigation of the Board of Pardons indicates that the applicant has no prior criminal record and since his arrest in 1932, he has conducted himself as a law-abiding citizen. The applicant is married and has five children. He resides in Philadelphia with his family. The applicant is employed with Ioncertti Brothers, cement contractors, Philadelphia, Pennsylvania. His reputation is excellent.

The Board believes that this man deserves a pardon for his offense, believing that it will in part remove the stigma of the crime from himself and family and assist him in his business advancement.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles Weaver, B-1159, B-3549, No. 925, September Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Charles Weaver, convicted of entering a building, larceny, receiving stolen boods in the Court of Quarter Sessions of Allegheny County on December 28,

1928, be commuted from a maximum of 20 years to a minimum of 10 years, 6 months and 13 days, expiring on October 29, 1939, and a maximum of 20 years: and that the minimum sentence of Charles Weaver, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County on January 16, 1933, be commuted from a minimum of 10 years to a minimum of 1 day, expiring on October 29, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of entering a building, larceny, receiving stolen goods and was sentenced by the Court of Qarter Sessions of Allegheny County to the Western State Penitentiary for from 10 to 20 years on the 28th day of December, 1929. He was sentenced by the Court of Quarter Sessions of Centre County for breaking and escaping penitentiary for from 10 to 20 years. This sentence to begin at the expiration of the maximum of original sentence of 1928, on the 16th day of January, 1933.

The Board of Trustees of the Western State Penitentiary states if this inmate were eligible to apply for parole, we would probably recommend him for parole (1) no convictions prior to original commitment to this institution (2) very good institutional record aside from escape (3) very cooperative inmate (4) has now served 10 years, 2 months and 17 days. The trial judge, the Honorable Ambrose B. Reid, of Allegheny County states: "* * * I have carefully examined above petitioner's application but have not been much impressed with his fantastic story of his innocent trustfulness that led him, unwillingly, into a career of crime. I have no information, however, that I can add to the history of the case that you, undoubtedly, have before you and I, therefore, submit the matter entirely to the judgment of the board." The Honorable M. Ward Fleming, of Centre County states: "* * * please be advised that in so far as the writer is concerned he has no objection to the extension of clemency in these cases, provided the prison authorities feel that the morale of their institution will not be disturbed thereby." The assistant district attorney, Bell, stated that he had no objection to the release as the applicant has served more than the minimum sentence he received on the Allegheny County charges. Investigation of the Board of Pardons indicates this applicant has an extended criminal record but his conduct in the penitentiary during the past years has been satisfactory. His present imprisonment has taught him a lesson and the Board believes that he will conduct himself in the future as a law-abiding citizen. The applicant has two children and he will reside with an aunt in Haydenville, Pennsylvania. The applicant will be taken into partnership with his cousin, Joseph Lombardi, who conducts a restaurant in Haydenville.

The Board, therefore, recommends that his sentence be commuted. He will have served ten years, six months and thirteen days, expiring on the 20th day of October, 1939. He will be under the supervision of the Board of Pardons until October, 1959.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Ruben Balin, No. 4590, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Ruben Balin, convicted of conspiracy to rob in the Court of Quarter Sessions of Philadelphia County, on August 14, 1931 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was sentenced by the Quarter Sessions Court of Philadelphia County for the crime of conspiracy to rob and received a suspended sentence and placed on probation for a period of one year on the 14th day of August, 1931.

The trial judge, the Honorable William C. Ferguson is deceased and the Honorable Harry S. McDevitt, states: ". . . that the records shows that he has not been in difficulty since 1934." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the application.

The investigation of the Board of Pardons indicates that this applicant was involved in several automobile charges, but was discharged by the magistrate following his arrest. Since 1934, the applicant has been in no difficulty.

The applicant is now employed by Mr. Max Gardner, Philadelphia, Pennsylvania, as a helper on a truck. The applicant is married and has no children. He is anxious to obtain a better position by taking a civil service examination and requires that these offenses be pardoned in order to be eligible for his civil service rating.

The Board, therefore, recommends that a full pardon be granted, believing that it will in part remove the stigma of the crime and be of material assistance in his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Bernard Buda, No. 4581, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the board of Pardons recommend that Bernard Buda, convicted of felonious wounding, assault and battery in the Court of Quarter Sessions of Luzerne County, on April 11, 1938 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of assault and battery and felonious wounding and was sentenced by the Quarter Sessions Court of Luzerne County to pay a fine of $500., costs of prosecution and 1 year in the Luzerne County Prison on the 11th day of April, 1938.

The trial judge, the Honorable Thomas H. Farrell states: ". . . This young man was apparently desperately in love with the girl he slashed with the knife. She had jilted him for another man and there was, in the judgment of the district attorney's office and of the court, considerable extenuation. I believe he honorably carried out the pecuniary part of reparation to her." The assistant district attorney, John Dando, Esquire, stated that he was not opposed to the granting of the petition.

The investigation of the Board of Pardons indicates that the applicant was unquestionably guilty of the crime, but it was another offense arising from passion. It appeared that the victim, his sweetheart, had jilted him. The Board is in possesson of a letter from the attorney of the victim who offers no objection to the granting of this pardon.

The applicant is now employed by the Chelesa Model and Pattern Works, Inc., of New York and resides with his mother in Brooklyn. The applicant is anxious to receive a pardon so that he may take a civil service examination to be eligible for a rating. The Board believes that this young man with no previous record will not again offend against the law and recommends therefore that he be granted a pardon, believing that it will in part remove the stigma of the crime and be of material assistance and advancement to him.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Calabrese, C-5712, No. 4046, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Calabrese, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 4, 1928, to be computed from November 4, 1929 be commuted from 5 years to 1 day expiring on November 5, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and being armed with an offensive weapon and was sentenced by the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, for from 15 to 30 years in the Eastern State Penitentiary on the 4th day of June, 1928, sentence to be computed from the 4th day of November, 1929.

The Board of Trustees of the Eastern State Penitentiary states: ". . . that his prison conduct has been satisfactory; that he is employed as a runner and is considered as a conscientious worker." The trial judge, the Honorable James Gay Gordon, Jr., did not reply to our inquiry. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he believed the applicant had been sufficiently punished and if his prison record is satisfactory and there is likelihood of his becoming a good citizen, he can be released.

The investigation of the Board of Pardons indicates that this applicant has been involved in various criminal offenses since 1917. He is now 49 years of age and it is the belief of the penitentiary authorities that if he is ever ready to assume the responsibilities of good citizenship, now is the appropriate time. He will have the benefit of a splendid parole program and be under the sponsorship and employment of his brother, Charles Calabrese, who is the owner of several beauty shops in Trenton, New Jersey. It is the belief of the Board that this man is ready for release, and therefore, they recommend that this sentence be commuted.

He will have served 10 years of his minimum sentence and will be under the supervision of the Board of Pardons until November, 1949.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Russell Buell Canfield, B-3181, No. 3001, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Russell Buell Canfield, convicted of entering a building with intent to commit a felony in the Court of Oyer and Terminer of Allegheny County on November 7, 1929, be commuted from a maximum of 4 years to a minimum of 4 months, expiring on November 24, 1939, and a maximum of 4 years; and that the minimum sentence of Russell Buell Canfield, convicted of escaping prison in the Court of Quarter Session of Allegheny County on April 16, 1932, be commuted from a minimum of 6 months to a minimum of 1 day, expiring on November 25, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of entering a building with intent to commit a felony and was sentenced by the Oyer and Terminer Court of Allegheny County for from 6 to 12 years in the Western State Penitentiary on the 7th day of November, 1929. He also plead guilty to the crime of escape and was sentenced for from 6 months to 1 year in the Western State Penitentiary to take effect at the expiration of his original sentence by the Quarter Sessions Court of Allegheny County on the 16th day of April, 1932.

The Board of Trustees of the Western State Penitentiary states: "* * * if this inmate were eligible to apply for parole, we would probably conditionally recommend him for parole subject to favorable parole plan (1) has served over 8 years (2) satisfactory institutional record." The trial judge, the Honorable Elder W. Marshall states: "* * * in view of the fact that applicant has a wife and children and that he has already served almost two years over and above the original minimum sentence, I would recommend that he be paroled." The assistant district attorney, Ralph Bell, Esquire, stated that he had no objection of the granting of the application.

The investigation of the Board of Pardons indicates the applicant was unquestionably guilty of the crimes. However, he has served two years in excess of his minimum sentence. The applicant is a disabled veteran of the World War and receives thirty dollars a month disability pension. His wife and two children are in the care of the Family Society of Allegheny County and it is the belief that the release of the applicant will be of great importance to this family. The pastor of the Homewood Presbyterian Church, Dr. Lee Schaffer, has offered to act as his sponsor. The detainer lodged against this man for Washington County will be nolo pros in accordance with the letter from the District Attorney from Washington County.

The Board believes that this man has been sufficiently punished and in the future will live a law-abiding life. He has served 8 years, 4 months and 24 days of his minimum sentence and will be under the supervision of the Board of Pardons until July 24, 1943.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of John Cavanaugh, Jr., No. 4568, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Cavanaugh, Jr., convicted of carrying concealed deadly weapons in the Court of Quarter Sessions of Philadelphia County, on May 26, 1933 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of carrying concealed deadly weapons and was sentenced by the Quarter Sessions Court of Philadelphia County to 3 years probation on the 26th day of May, 1933.

The trial judge, the Honorable Otto R. Heiligman, "* * * interposes no objection to the application for a pardon and recommends same, should it meet with the approval of your Honorable Board." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the application.

The investigation of the Board of Pardons indicates that the applicant has conducted himself satisfactorily since his sentence in 1933 except for an arrest on suspicion for which he was discharged. The applicant has been employed since October, 1933, as a cake baker by the Horn and Hardart Baking Company, Philadelphia, Pennsylvania. The applicant is married with no children.

The applicant is anxious to improve his position in life and desires to take a civil service examination which requires that he be pardoned in order to receive a civil service rating. The Board is of the opinion that a pardon can be given this applicant. It will in part help to remove the stigma of the crime and be of material assistance in his business advancement.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Guiseppe DiMatteo, No. 4562, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Guiseppe DiMatteo, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Allegheny County on January 24, 1938 be commuted from 3 years to 1 year, 10 months expiring on November 24, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of voluntary manslaughter and was sentenced by the Court of Oyer and Terminer of Allegheny County to undergo imprisonment in the Allegheny County Workhouse for from 3 to 6 years on the 24th day of January, 1938.

The authorities of the Allegheny County Workhouse only reported to us as to his physical condition which is not favorable. The trial judge, the Honorable John P. Egan, writes as follows: ". . . as indicated in the per curiam opinion, we felt that the circumstances of his age, has weakened his physical condition, together with the fact that he had been in jail eight months and twenty-five days prior to the imposition of sentence, presented a situation upon which a parole would have been granted had not the question been raised of the court's jurisdiction: Under the circumstances it is respectfully recommended that favorable action be taken by your Board on the applicant's petition for commutation of sentence." The assistant district attorney, Ralph Bell stated that he had no objection to the granting of the petition.

The investigation of the Board of Pardons indicates that this family quarrel was of such a nature that the applicant might well have taken the position in his trial of self-defense. The applicant and his family bore a good reputation in his community and have not been involved in any criminal offenses. The applicant owns and operates a combined gasoline station and restaurant near Curtisville, Pennsylvania. The applicant is 60 years of age, married and three children. It is the belief of the Board that this applicant has been sufficiently punished, and they therefore, recommend that his sentence be commuted. He will have served 1 year and 10 months of his minimum sentence and will be under the supervision of the Probation Department of Allegheny County until January, 1941.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of George Ferniss, C-5753, No. 124A, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of imprisonment imposed on George Ferniss, convicted of burglary in the Oyer and Terminer and Quarter Sessions of Philadelphia County on November 29, 1929, be commuted on Bill No. 970 from a minimum of 5 years to a minimum of 1 day, expiring on November 30, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of

Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Frank J. Fiesel, B-4422, No. 126A, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Frank J. Fiesel, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on December 14, 1934, be commuted on Bill No. 67 from a maximum of 10 years to a maximum of 4 years, 11 months and 29 days, expiring on December 13, 1939, and on Bill No. 68 from a minimum of 2 years, 6 months to a minimum of 1 day, expiring on December 14, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Peter Galiczynski, C-9007, No. 3934, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Peter Galiczynski, convicted of assault, being armed with intent to rob in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 13, 1933, be commuted on Bill No. 344 from a maximum of 20 years to a minimum of 6 years and 5 months, expiring on November 13, 1939, and a maximum of 20 years; on Bill No. 345 from a minimum of 5 years to a minimum of 1 day, expiring on November 14, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of assault, being armed with intent to rob and was sentenced by the Oyer and Terminer and Quarter Sessions Courts of Philadelphia County for from 15 to 30 years in the Eastern State Penitentiary on the 13th day of June, 1933.

The Board of Trustees of the Eastern State Penitentiary states: "* * * that the applicant has an excellent conduct record and that he has been employed in the printing shop where he is considered a good worker." The trial judge, the Honorable Harry S. McDevitt, states: "* * * if you are inclined to think that he has been sufficiently punished, I will abide by your judgment." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that the applicant looks like a good parole risk and that he had no objection to the granting of the application.

The investigation of the Board of Pardons reveals this applicant had a prior sentence to Pennsylvania Industrial School, at Huntingdon, Pennsylvania, from which he received a final discharge in 1933. The crime for which he is now serving a sentence was aggravated assault and battery together with robbery at the point of a weapon. He and his two companions were guilty of these crimes.

The applicant is now 26 years of age and from every indication has learned the error of his way and promises to live a law-abiding life. He will be employed by his cousin, Joseph Galiczynski, in a tailor shop and will be under the sponsorship of Mr. C. W. Anderson, Case Worker for the Pennsylvania Prison Society.

The Board, therefore, recommends that his sentence be commuted. He will have served six years and 5 months of his minimum sentence and will be under the supervision of the Board of Pardons until June, 1963.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Vincent Gerace, D-1308, No. 4104, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Vincent Gerace, convicted of assault to rob, robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 13, 1936 be commuted from 10 years to 3 years and 6 months expiring on November 13, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, assault to rob and was sentenced by the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County for from 10 to 20 years in the Eastern State Penitentiary on the 13th day of May, 1936. By reason of this conviction he violated his parole from Philadelphia County and must serve the unexpired period of 1½ years in the Philadelphia County Prison at the expiration of the sentence pronounced on May 13, 1936.

The Board of Trustees of the Eastern State Penitentiary states. "* * * this man's institutional record is satisfactory and that he has maintained a good work record." The trial judge, the Honorable Joseph L. Kun, states: "* * * in view of the fact that the man has served nearly three and a half years of his term and has a good record at the prison, there may be some basis for considering this a meritorious application." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that it was his thought the applicant has been sufficiently punished and would rely upon the Board for their decision.

The investigation of the Board of Pardons indicates the applicant was involved with his victim in a drunken brawl The victim alleged that the applicant stole his watch and six dollars in cash. The applicant is now 26 years of age and single. He has been offered employment by Mr. Harry Friedman, who owns and operates a dress shop. He will reside with his parents in Philadelphia, Pennsylvania. The Board is of the opinion the applicant has been sufficiently punished and there is every likelihood that upon his release he will live a law-abiding life.

The Board, therefore, recommends that his sentence be commuted. The applicant will have served 3 years and 6 months of his minimum sentence and will be under the supervision of the Board of Pardons until May, 1956.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Frank Greco, B-6409, No. 4592, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Greco, convicted of robbery in the Court of Over and Terminer of Allegheny County on November 7, 1938, to be computed from September 28, 1938 be commuted from 1½ years to 1 year, 2 months expiring on November 28, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery and was sentenced by the Over and Terminer Court of Allegheny County for from 1½ to 5 years in the Western State Penitentiary on the 7th day of November, 1938, sentence to be computed from September 28, 1938.

The Board of Trustees of the Western State Penitentiary states: ". . . inview of long history of arrests, should at least complete minimum term imposed by court." The trial judge, the Honorable Ralph Smith, states: ". . . he would rely upon the Board of Pardons for their decision." The assistant district attorney, Ralph Bell stated that there was some doubt as to the applicant's guilt, and therefore he had no objection to the granting of the petition.

The investigation of the Board of Pardons reveals that there is a strong possibility the applicant was not present at this robbery and could have been the victim of extenuating circumstances. In view of the doubt that has been raised as to the applicant's guilt and the length of time that he has served in prison, it is the belief of the Board that his sentence might well be commuted. He will have served 1 year and 2 months of his minimum sentence and will be under the supervision of the Board of Pardons until September 28, 1943.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Albert Heisse, D-2, No. 3939, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Albert Heisse, convicted of robbery, larceny of an automobile in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 2, 1934, be commuted on Bill No. 1305 from a maximum of 5 years to a minimum of 1 month, expiring on November 2, 1939, and a maximum of 5 years; on Bill No. 1306 from a minimum of 2½ years to a minimum of 1 day, expiring on November 3, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery and larceny of an automobile and was sentenced by the Oyer and Terminer and Quarter Sessions Courts of Philadelphia County for from 10 to 20 years in the Eastern State Penitentiary on the 2nd day of October, 1934.

The Board of Trustees of the Eastern State Penitentiary states: ". . . the applicant has a good conduct record and has improved himself during his incarceration. He taught in the prison school for several years." The trial judge, the Honorable Joseph L. Kun, states: ". . . according to the records the applicant has served about five years and for the reasons given in the application it may be viewed as a meritorious case to afford defendant an opportunity to rehabilitate himself." The assistant district attorney, James W. Tracey, Jr., Esquire, stated if he has shown efforts of rehabilitation, he might be safely released. He has been sufficiently punished.

The investigation of the Board of Pardons reveals that this applicant had three prior arrests and two convictions. His accomplices in the crime were paroled by commutation on December 29, 1938. The applicant was no doubt guilty of the crimes for which he was sentenced. The applicant is now 24 years of age and single. He has been assured employment by Mr. Thomas M. Temple, Director of the Children's Dental Clinic, Philadelphia, Pennsylvania, as a stenographer. The Board is of the opinion that this applicant has by his efforts of rehabilitation made himself a good parole risk and his parole program is very satisfactory.

The Board, therefore, recommends the sentence of this applicant be commuted and he will have served 5 years and 1 month of his minimum sentence and will be under the supervision of the Board of Pardons until October, 1954.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Wilmer H. Kauterman, C-8407, No. 2911, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Wilmer H. Kauterman, convicted of robbery, being armed with an offensive weapon, larceny and receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on November 7, 1932, be commuted on Bill No. 131 from a minimum of 8 years to a minimum of 7 years, expiring on November 7, 1939, and a maximum of 16 years; and on Bill No. 129 from a minimum of 7 years to a minimum of 1 day, expiring on November 8, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon, larceny and receiving stolen goods and was sentenced by the Court of Oyer and Terminer and Quarter Sessions of Bucks County for from 15 to 30 years in the Eastern State Penitentiary on the 7th day of November, 1932.

The Board of Trustees of the Eastern State Penitentiary states: "* * * that his conduct has been satisfactory and that he has maintained a good attitude. He has improved himself and learned typing and shorthand." The trial judge, the Honorable Calvin S. Boyer states: "* * * I wish to say that inasmuch as the applicant has now served the minimum sentence on one bill of indictment, we do not oppose the application if it is meritorious in the judgment of your Board." The district attorney, Edward G. Biester, Esquire, states: "* * * since the defendant will shortly have served seven years of the original sentence imposed, we do not oppose the granting of a commutation in this case."

The investigation of the Board of Pardons reveals that the applicant has not been convicted of any offenses previous to the present one. However, he was guilty of this offense of holding up a Beer Tavern. During his incarceration this applicant has made definite attempts of self-improvement and he is regarded as an excellent prisoner by the Prison Authorities. He has been assured of employment by the Philadelphia Bottling Company and will reside with his parents in Philadelphia. The Board of Pardons is of the opinion that this applicant offers a good parole risk and recommends that his sentence be commuted. He will have served 7 years of his minimum sentence and will be under the supervision of the Board of Pardons until November, 1962.

Respectfully submitted,
S. S. LEWIS.
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO.
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Joseph Kerns, Jr., No. 4564, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Joseph Kerns, Jr., convicted of driving an automobile while under the influence of intoxicating liquor in the Court of Quarter Sessions of Philadelphia County, on May 1, 1936 to be computed from December 28, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of driving an automobile while under the influence of intoxicating liquor and was sentenced by the Quarter Sessions Court of Philadelphia County to pay the costs of prosecution and 3 months in the Philadelphia County Prison on the 1st day of May, 1936 to be computed from December 28, 1936.

The trial judge, the Honorable Robert E. Lamberton did not reply to our letter of inquiry. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the application.

The investigation of the Board of Pardons indicates that the applicant was probably intoxicated, but the police officers who witness the accident conflicted in their testimony as to who was driving the car. However, the applicant has not been involved in any wrong doing before or since the offense. The applicant is single and is employed by the Cigarette Vending Machine Company. The applicant is anxious to take a civil service examination for the Police Department in the City of Philadelphia, and it is necessary that his record is clear.

The Board, therefore, recommends this applicant be granted a full pardon.

Respectfully submitted,
S. S. LEWIS.
Lieutenant Governor.

S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Clarence Klinedinst C-7955. No. 125A, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Clarence Klinedinst, convicted of larceny, receiving stolen goods, in the Court of Oyer and Terminer and Quarter Sessions of York County on March 7, 1932, be commuted on Bill No. 109 from a minimum of 1½ years to a minimum of 1 day expiring on September 8, 1939, and on Bill No. 110 from a minimum of 1½ years to a minimum of 1 day, expiring on September 9, 1939.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of James Caven Martin, D-3284, B-6527, No. 4556, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Caven Martin, convicted of forgery in the Court of Quarter Sessions of Lycoming County on July 22, 1938 be commuted from 2½ years to 1 year, 5 months expiring on November 22, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of forgery and was sentenced by the Quarter Sessions Court of Lycoming County for from 2½ to 5 years in the Eastern State Penitentiary on the 22d day of July, 1938.

The Board of Trustees of the Eastern State Penitentiary states: ". . . that his conduct record is satisfactory and that he has maintained a cooperative attitude." The trial judge, the Honorable M. C. Rhone, states: ". . . under all the circumstances I think this man will have been sufficiently punished by the time your Board acts upon his application, and I join in his request for commutation of his sentence."

The investigation of the Board of Pardons indicates that this man served a 4 month's prison sentence for larceny and this offense, of which he is guilty, is the most serious. The applicant is married and has four young children. During his imprisonment this applicant has shown attempts of self-improvement and there is reason to believe that this sentence has served the purpose of teaching him a salutary lesson. He has been assured employment by the Jersey Shore Steel Company and Doctor Bastin, of Williamsport, will be his sponsor.

The Board is of the opinion that this man will not reenter the life of crime, and therefore, recommends that his sentence be commuted. He will have served 1 year and 5 months of his minimum sentence and be under the supervision of the Board of Pardons until June, 1943.

Respectfully submitted,
S. S. LEWIS
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Mullin, Jr., No. 4601 October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Mullin, Jr., convicted of larceny of an automobile, in the Court of Quarter Sessions of Philadelphia County on June 10, 1930, and convicted of felonious entry and larceny in the

Court of Quarter Sessions of Montgomery County on April 1, 1932, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead nolle contendere to the crime of larceny of an automobile and was sentenced by the Quarter Sessions Court of Philadelphia County to pay the costs of prosecution and a fine of $50.00 and 1 month in the Philadelphia County Prison on the 10th day of June, 1930. Likewise, was sentenced by the Court of Quarter Sessions of Montgomery County for the crime of felonious entering and larceny and was sentenced to 3 months in the Montgomery County Prison on the 1st day of April, 1932. The sentencing judge is deceased and the Honorable Harry S. McDevitt, states: ". . . that since his offense in Montgomery County in 1932, he has not been in any difficulty." The assistant district attorney, James W. Tracey, Jr., Esquire stated that he had no objection to the granting of the petition as he was a young man when these offenses occurred.

The investigation of the Board of Pardons indicates that this applicant is married and has no children. As a young man, he committed these offenses but fortunately corrected the error of his way and has lead a law-abiding life for some years. It is the belief of the Board of Pardons that this applicant will not become involved in any wrong doing in the future. He is now employed in the Philadelphia Navy Yard as an acetylene welder and he desires to acquire a civil service rating for which a pardon is necessary in order to become eligible.

The Board, therefore, recommends that a pardon be granted to this young man, believing that it will help to remove the stigma of the crime and be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T RENO,
Attorney General.
WILLIAM S. LIVENGOOD. JR.
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Carl John Nadziejko. C-9222. No. 4224. October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Carl John Nadziejko, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 27 1933, be commuted on Bill No. 1127 from a maximum of 10 years to a minimum of 6 years and 2 months, expiring November 27, 1939 and a maximum of 10 years; and on Bill No. 1128 from a minimum of 5 years to a minimum of 1 day, expiring November 28, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and was sentenced by the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County for from 10 to 20 years in the Eastern State Penitentiary on the 27th day of September, 1933.

The Board of Trustees of the Eastern State Penitentiary states: ". . . the applicant has a good conduct record and has shown some efforts of self-improvement." The trial judge, the Honorable Harry S. McDevitt, states: ". . . I have no recommendation to make, but by comparison with some of his associates, he looks like a better risk than many of them." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that if the Board believed that he has been rehabilitated and is ready for release he would have no objection to the granting of the application.

The investigation of the Board of Pardons reveals this applicant was unquestionably guilty of the crimes and that he had previously served a short prison sentence for two other offenses. His companions in the present crime have been paroled. This applicant has spent over six years in the Eastern State Penitentiary and is now 35 years of age. The Board believes that he is ready for release and has demonstrated his intent to lead a law-abiding life. The applicant has been offered employment in the Saint Joseph Hospital as a janitor and he will be under the guidance of Sister Euhalia of Saint Joseph Hospital.

The Board, therefore, recommends that his sentence be commuted. He will have served 6 years and 2 months of his minimum sentence and will be under the supervision of the Board of Pardons until September, 1953.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD. JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Frank Rackcliffe, B-4959, No. 4351, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Rackcliffe, convicted of statutory rape in the Court of Oyer and Terminer of Allegheny County on April 9, 1936, be commuted from 5 years to 3 years, 7 months, expiring on November 9, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of statutory rape and was sentenced by the Oyer and Terminer Court of Allegheny County for from 5 to 10 years to the Western State Penitentiary on the 9th day of April, 1936.

The Board of Trustees of the Western State Penitentiary states: ". . . if this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record (3) very cooperative inmate." The trial judge, the Honorable Ralph Smith states that he will rely upon the action of the Board of Pardons. The assistant district attorney, Ralph Bell stated that he had no objection to the granting of the petition if the Board believed the applicant had been sufficiently punished.

The investigation of the Board of Pardons reveals that the applicant was unquestionable guilty of the crime He is now 57 years of age, married and no children. He is a member of the Moving Picture Operating Union and will undoubtedly be able to procure employment upon his release. His wife has preserved the home and they will live in comfortable circumstances. The applicant, in the opinion of the Board of Pardons, has been sufficiently punished and it is the belief of the members that this imprisonment has taught him a salutary lesson.

The Board, therefore, recommends the sentence of this applicant be commuted. He will have served 3 years and 7 months of his minimum sentence and will be under the supervision of the Board of Pardons until April 9, 1946.

Respectfully submitted,

S. S. LEWIS.
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.

CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Fred Squires, B-5072, No. 4599, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Fred Squires, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Allegheny County on June 17 1936, be commuted from 7½ years to 3 years and 5 months, expiring on November 19, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder in the second degree and was sentenced by the Court of Oyer and Terminer and Quarter Sessions in Allegheny County for from 7½ to 20 years in the Western State Penitentiary on the 17th day of June, 1936.

The Board of Trustees of the Western State Penitentiary states: ". . . if this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) excellent institutional record The trial judge, the Honorable James H. Gray, states that he has no recommendation to make to the Board. The assistant district attorney, Ralph Bell stated that he had no objection to the granting of the petition.

The investigation of the Board of Pardons reveals this applicant shot and killed one, James Middleton, better known as "Turkey Red" who was a vicious character and was annoying his wife. The situation had developed between the victim and the applicant's wife to such a degree that the victim told the applicant to keep away from his wife. The reading of the testimony undoubtedly shows that the applicant was aroused to high degree of passion by the intrusion of the victim. The applicant has no previous record and is assured of employment by the Department of Public Works in the City of Homestead. His sponsor is the Burgess of the City of Homestead where he will reside.

The Board, therefore, recommends that the sentence be commuted and he will have served 3 years and 5 months of his minimum sentence and will be under the supervision of the Board of Pardons until June 17, 1956.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Harry E. Stephens, No. 4557, October Session, 1939

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harry E. Stephens, convicted of larceny of an automobile, in the Court of Quarter Sessions of Allegheny County on October 28, 1921, and convicted of larceny and receiving stolen goods in the Court of Quarter Sessions of Allegheny County on May 14, 1923, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny of an automobile and was sentenced by the Court of Quarter Sessions of Allegheny County to pay the costs of prosecution and be on probation for 1 year on the 28th day of October, 1921. The applicant likewise plead not guilty to the crime of larceny and receiving stolen goods and was sentenced by the Court of Quarter Sessions of Allegheny County to the Pennsylvania Industrial School at Huntingdon on the 14th day of May, 1923.

Judge Ambrose B. Reid stated that he had no recommendation to make. Assistant District Attorney, Ralph Bell stated that he would rely upon the Board as to the decision they made on the application.

The investigation of the Board of Pardons reveals that since 1923 he has not been involved in any wrong doing. He is married and has no children. He lives in Pittsburgh, and is now associated with his father who conducts a wholesale beer distributing business. His general reputation and conduct has been excellent and the Board is of the opinion that this applicant will never be guilty of wrong doing.

The Board, therefore, recommends that a pardon be granted, believing that it will in part remove the stigma of the crime and be of material assistance in his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Felix White, C-5350, No. 2946, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Felix White, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 2, 1929, be commuted from 10 years to 6 months expiring on November 2, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and sentenced by the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County for from 20 to 40 years in the Eastern State Penitentiary on the 2d day of May, 1929.

The Board of Trustees of the Eastern State Penitentiary states: ". . . the applicant has a good conduct record and he has maintained a constructive attitude." The trial judge, the Honorable Horace Stern, did not reply to our letter of inquiry. The assistant district attorney James W Tracey, Jr., Esquire, stated the applicant has served enough time in Pennsylvania as punishment for his crime.

The investigation of the Board of Pardons reveals that this applicant is a fugitive from the Ohio State Reformatory, but that the Ohio State authorities have agreed not to return him to that State if released The applicant will be released in charge of Colonel Frank D. Shaw, and will be given employment by him at the Home of Industry for Discharged Prisoners. All of the accomplices of the ap-

plicant have been paroled and it is the belief that he will no longer indulge in the life of wrong doing. His sponsor, Colonel Frank D. Shaw, is of the opinion that this man is ready for release and that there is every belief that he will live a law-abiding life. The applicant will have served 10 years and 6 months of his minimum sentence and will be under the supervision of the Board of Pardons until May, 1959.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of O'Murl Williams, C-3854, No. 4124, October Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of O'Murl Williams, convicted of murder, in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 4, 1927, be commuted from life imprisonment to a minimum of 12 years 8 months expiring on November 4, 1939, and a maximum of life imprisonment.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder in the first degree and was sentenced by the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County to life imprisonment in the Eastern State Penitentiary on the 4th day of March, 1927.

The Board of Trustees of the Eastern State Penitentiary states: ". . . the applicant conduct is satisfactory; maintained a good attitude; considered a conscientious worker." The trial judge, the Honorable Harry S. McDevitt writes as follows: ". . . His appeal will be made by the principal of one of the oldest Friends Schools in Philadelphia, and while I am not as familiar with this man as I might be had I sentenced him, I am inclined to think that Mr. Yarnall would not interest himself unless it were a worthy cause. There were extenuating circumstances, as I have ascertained from the record, and no doubt that is why his life was spared at the time of his trial." The assistant district attorney, James W. Tracey, Jr., Esquire, stated the circumstances of the crime were such that the jury could have found the murder to be that of second degree and that he has no objection to the granting of the commutation.

The investigation of the Board of Pardons reveals that this applicant shot and killed one, Henry Toatley, who had annoyed his wife and had by his attitude and remarks inflamed the applicant. The applicant had a previous splendid record and was employed in one of the better homes of Philadelphia as a butler. The plea for the applicant was made by Stanley R. Yarnall, Principal of the Germantown Friends School, his former employer, Fred L. Young, at the time of the murder, is willing to give him employment in his home and business in Los Angeles, California. The California Parole Authorities investigated the employment and find it to be of high class. The Board is of the opinion that the applicant who shot the paramour of his wife was under great stress and strain and that this crime was one of passion in defense of his home. For this reason, the Board, recommends that his sentence be commuted believing that the applicant with no prior criminal record and excellent parole program will live a law-abiding life. The applicant has spent 12 years and 8 months of his sentence and will be under the supervision of the Board of Pardons the rest of his natural life.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John S. Adams, No. 4636, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John S. Adams, convicted of embezzlement in the Court of Municipal of Philadelphia County, on September 19, 1934 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was sentenced by the Municipal Court of Philadelphia County for the crime of embezzlement for from 15 months to 5 years to the Philadelphia County Prison on the 19th day of September, 1934.

The trial judge, the Honorable Raymond MacNeille, states: ". . . apparently this man has served the full penalty imposed, and, since he has no other record of crime, the pardon which he seeks may serve to give him full restitution to society and thus benefit his family. I would interpose no objection and shall be satisfied with whatever judgment your Board uses in the matter." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he would rely entirely upon the decision of the Board as he had no objection to the granting of the application.

The investigation of the Board of Pardons reveals that this applicant embezzled $21,000.00 from the Pennsylvania Company. He had no prior record and his crime arose through manipulation of depositors accounts. He is now employed as an automobile salesman in Philadelphia. He comes from a very fine family and bears an excellent reputation. The Board believes that a man of this character has been sufficiently punished and that he will no longer violate the law.

In order that this applicant may advance himself, it is necessary that he be granted a full pardon in order to qualify for advancement, and, therefore, recommends that a full pardon be granted to the applicant.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Marshall Carroll C-8296, No. 3962, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Marshall Carroll, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 30, 1932, to begin March 22, 1932, be commuted from 10 years to 7 years, 9 months, expiring on December 22, 1939.

Our reasons for making this recommendation are as follows:

The applicant was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for the crime of murder in the second degree for from 10 to 20 years to the Eastern State Penitentiary on the 30th day of September, 1932, to begin on March 22, 1932.

The Board of Trustees of the Eastern State Penitentiary state that he has a most excellent conduct record, and because of his outstanding work, he was promoted to a position of trust in the penitentiary office. The trial judge, the Honorable Harry S. McDevitt, states: ". . . he is above the average in intelligence, has avoided bad associates in the Penitentiary, and I think is worth taking a chance on at this time." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he was opposed to granting the application as he felt it was a brutal murder.

The investigation of the Board of Pardons reveals that the applicant had no prior criminal record. This particular crime arose from a drinking bout in which the victim became involved in a fight with the applicant over his wife. The Board believes there may have been some justification for the action of the applicant in protesting the actions of the victim with respect to his wife. There were no weapons used, but the victim was severely beaten with fists.

The Board is of the opinion that the applicant has been sufficiently punished and that his splendid conduct in the Penitentiary indicates that he has rehabilitated himself and will conduct himself in the future as a law-abiding citizen. He is assured of employment by Magistrate William Bell in the Bell Trucking Company. He will reside at the Y. M. C. A., Philadelphia.

The Board, therefore, recommends that a commutation be granted. The applicant will have served 7 years and 9 months of his minimum sentence, and will be under the supervision of the Board of Pardons until March 22, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of William Dyer B-3963, No. 127-A, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on William Dyer, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on January 17, 1934, be commuted on Bill No. 19 from a minimum of 2 years to a minimum of 1 year 11 months and 29 days expiring on January 16, 1940, and on Bill No. 20 from a minimum of 2 years to a minimum of 1 day expiring on January 17, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of Matthew J. Edelmann, No. 4611, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Matthew J. Edelmann, convicted of keeping and maintaining a gambling device in the Court of Quarter Sessions of Philadelphia County, on March 21, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was sentenced by the Quarter Sessions Court of Philadelphia County for the crime of keeping a gambling house and was sentenced to pay a fine of $25.00 and costs of prosecution on the 21st day of March, 1938.

The trial judge, the Honorable Albert S. C. Miller states: ". . . I, therefore, know of no reason why the application should not receive favorable consideration if in

the judgment of the Board it is warranted." The assistant district attorney, James W. Tracey, Jr., Esquire, states that he had no objection to the granting of the application.

The investigation of the Board of Pardons reveals that the applicant was President of the 32d Ward Congress Club, Philadelphia, and that two slot machines were in operation in the Club. The applicant was adjudged guilty of maintaining a gambling house. The applicant has no prior criminal record and is desirous of improving his financial position by obtaining a pardon. He is now employed as a salesman in Philadelphia and is unmarried.

The Board recommends that a full pardon be granted to the applicant.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Frank Iaquinto, No. 4608, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank Iaquinto, convicted of setting up and maintaining illegal lottery in the Court of Quarter Sessions of Philadelphia County, on March 27, 1934, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of setting up and maintaining an illegal lottery and was sentenced by the Quarter Sessions Court of Philadelphia County and placed on probation for one year on the 27th day of March, 1934.

The trial judge, the Honorable Harry S. McDevitt, states: ". . . This man was placed on probation for one year in 1934. He served that without difficulty, and so far as the police records show, he has not been in trouble since. Prior to this offense, he had two previous arrests, but was discharged. I have no objection to a pardon if you feel so inclined." The assistant district attorney, James W. Tracey, Jr., Esquire, stated he had no objection to the granting of the application.

The investigation of the Board of Pardons indicates that this applicant has conducted himself in a very satisfactory manner since 1934. He is married, has one child, and is now employed by the Scott-Powell Dairies, Philadelphia. He is desirous of improving his position with the Dairy Company, but it is necessary that he receive a full pardon in order to advance himself. There is every reason to believe that this young man will conduct himself as a law-abiding citizen in the future. The Board sees no objection in recommending that a full pardon be granted to him.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Charles Johnson, D-118, No. 2856, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Charles Johnson, convicted of felonious entry, larceny and conspiracy to commit larceny in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on November 5th, 1934, be commuted from 5 years to a minimum of 3 years, 11 months and 24 days, expiring on December 26, 1939, and a maximum of 5 years.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of felonious entry, larceny, conspiracy to commit larceny and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Montgomery County for from 2½ to 5 years to the Eastern State Penitentiary on the 5th day of November, 1934. The applicant was paroled at the expiration of his minimum sentence on the 29th day of May, 1937. He was sentenced to one year in the Montgomery County Prison for operating an automobile under the influence of intoxicating liquor on the 26th day of September, 1937. He was returned to the Eastern State Penitentiary as a mandatory parole violator on the 26th day of July, 1938. The Board of Trustees of the Eastern State Penitentiary state the applicant has an excellent conduct record and has maintained a good attitude.

The trial judge, the Honorable William F. Dannehower, states: ". . . I believe there is much merit in this application, and would suggest that the Board of Pardons grant the applicant's petition for clemency." The assistant district attorney, Arthur W. Bean, opposed the granting of the application.

The investigation of the Board of Pardons indicates that this man was unquestionably guilty of the two offenses of which he has been recently convicted. He has served well over two years for his offense of drunken driving. The applicant has unquestionably been punished for his crimes and the Board is disposed to recommend his commutation in view of the parole program which has been submitted. He will be employed by Mr. Lerito Eagano, Dreshertown, Pennsylvania who operates a farm in that vicinity. The applicant is married and has two children.

The Board, therefore, recommends that the applicant's sentence be commuted subject to the approval of the parole program. The applicant will have served 3 years, 11 months and 24 days of his original sentence and be under the supervision of the Board of Pardons until January 2, 1941.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Emerson A. Lilly, C-5738, No. 4628, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Emerson A. Lilly, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 22, 1929, be

commuted from a maximum of 20 years to a minimum of 9 years, 9 months and 5 days, expiring on December 13, 1939, and a maximum of 20 years.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon, and was sentenced by the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, for from 6 to 20 years to the Eastern State Penitentiary on the 22d day of November, 1929.

The applicant was paroled upon the expiration of his minimum sentence on the 27th day of March, 1936. He was convicted on the 26th day of June, 1936 in Mathews County, Virginia, sentenced to one year suspended sentence for larceny of a $10.00 double barrel shot gun. He was returned to the Eastern State Penitentiary as a parole violator on the 13th day of July, 1936.

The trial judge, of the original sentence, the Honorable James Gay Gordon, Jr., did not reply to our letter of inquiry. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to granting the application.

The investigation of the Board of Pardons indicates that tihs man has been sufficiently punished for the theft of the shot gun having served nearly 3 years in the Penitentiary for this offense.

The applicant will return to the state of Virginia and will reside with his mother in Mathews County, Virginia. The applicant has served in the Eastern State Penitentiary a total of 9 years, 9 months and 5 day and he will be under the supervision of the Board of Pardons until March, 8, 1950.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of William J. McLaughlin, No. 4648. November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William J. McLaughlin, convicted of driving an automobile without consent of owner in the Court of Quarter Sessions of Philadelphia County, on January 31, 1933, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to driving a truck without the consent of the owner, and was sentenced by Judge Howard A. Davis of Philadelphia County to two years probation on the 31st day of January, 1933.

The trial judge, the Honorable Howard A. Davis, states: ". . . as to William J. McLaughlin, this is a petition for clemency. On January 31, 1933, the defendant was placed on two years' probation. In my opinion the probation should be removed at this time and the defendant granted a pardon." The assistant district attorney, James W. Tracey, Jr., Esquire, stated he had no objection for granting a petition.

Investigation of the Board of Pardons indicates that this young man was probably guilty of the crime, but since 1936 he has conducted himself in a satisfactory manner. The Board is in receipt of a petition from citizens of Philadelphia living in the applicant's neighborhood setting forth his good character. City Councilman, the Honorable Alexander C. Green, writes the Board as to his good reputation and industrious habits. The applicant is employed by the United News Company, Philadelphia.

The applicant is anxious to receive a civil service rating and it is necessary that he receive a pardon to be eligible. The Board, therefore, recommends that a full pardon be granted.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles Adrian Neal, C-7167, No. 4617, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Charles Adrian Neal, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 14, 1929 to begin June 14, 1931, be commuted on Bill No. 535 from a maximum of 20 years to a minimum of 8 years, 6 months, expiring on December 14, 1939, and a maximum of 20 years; on Bill No. 536 from a minimum of 10 years to a minimum of 1 day, expiring on December 15, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon, and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 20 to 40 years in the Eastern State Penitentiary on the 14th day of December, 1928, sentence to be computed from June 14th, 1931.

The trial judge, the Honorable Harry S. McDevitt, states: ". . . I think he has shown as much improvement as he will ever show, and if he is ever fit to be returned to society, it is at the present time." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he has been severely punished and that he had no objection if the prison authorities felt that he would not be a menace if released. The Board of Trustees of the Eastern State Penitentiary said the applicant has a good conduct record and has maintained a good attitude. He is an experienced Motion Picture operator.

The investigation of the Board of Pardons reveals that this applicant has spent over 13 years in the penitentiary. He is now 34 years of age and if he is ever ready for release the time has now arised.

His sponsor is Mr. David Berkowitz, employed by Warner Brothers in the moving picture industry, and he will make every effort to secure employment for the applicant as a motion picture operator.

The Board recommends that a commutation of this applicant be granted in the hope that the parole program will assist materially in the rehabilitation of the applicant who has made efforts in that direction during his penitentiary incarceration. The applicant will have served 8 years and 6 months of his minimum sentence. He will be under the supervision of the Board of Pardons until December 15, 1959.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.

WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Willard Lee Nuckols, B-2592, No. 4612, November Sesion, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Willard Lee Nuckols, convicted of burglary in the Court of Oyer and Terminer of Allegheny County on April 7, 1931, be commuted from 10 years to 8 years, 8 months expiring on December 7, 1939.

Our reasons for making this recommendation are as follows:

The applicant was sentenced by the Oyer and Terminer Court of Allegheny County for the crime of burglary, for from 10 to 20 years to the Western State Penitentiary on the 7th day of April, 1931.

The Board of Trustees of the Western State Penitentiary state, we would recommend being a youth at time of conviction; has now served over eight years and has a very good institutional record. The trial judge, the Honorable George V. Moore, did not reply to our letter of inquiry. The assistant district attorney, Ralph T. Bell, Esquire, stated that he has probably served enough time in the penitentiary and that if his institutional record is satisfactory, the District Attorney's office has no objection to his release.

The investigation of the Board of Pardons reveals the applicant has one prior arrest and conviction. He was 17 years of age when sentenced to the Western State Penitentiary and has conducted himself in a satisfactory manner while confined. He has been offered employment with his uncle in Richmond, Virginia, where he will reside. The Virginia authorities report that his uncle is a member of the Richmond, Virginia, Police Force and bears an excellent reputation.

The Board of Pardons is of the opinion that this young man has been sufficiently punished and that there is every indication that he will conduct himself as a law-abiding citizen if released.

The applicant will have served 8 years and 8 months of his minimum sentence and will be under the supervision of the Board of Pardons until April 7, 1951.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Ramon Perez, C-7977, No. 2887, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Ramon Perez, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on April 11, 1932, be commuted from 9 years to 7 years, 8 months, deportation to Spain, expiring on December 11, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder in the second degree and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Lackawanna County for from 9 to 18 years in the Eastern State Penitentiary on the 11th day of April, 1932.

The Board of Trustees in the Eastern State Penitentiary state that the applicant's conduct in the penitentiary proved satisfactory and he displayed a co-operative attitude. The applicant has no known previous record and a detainer be lodged against him by the United State Immigration Bureau for deportation to Spain.

The trial judge, the Honorable William R. Lewis, states: ". . . I know of no good reason why his petition should be refused if his conduct while in prison has been exemplary and if he agrees to leave the country." The district attorney stated that the crime occurred at a drunken brawl and that he had no objection to granting the petition if the applicant was deported to Spain.

The investigation of the Board of Pardons reveals the applicant was unquestionably guilty and that he has served over 7 years of his sentence and will be deported to Spain upon his release. The Board is informed that the Spanish Government will accept the applicant.

The Board, therefore, recommends that the applicant's sentence be commuted, subject to his being deported to Spain. The applicant will have served 7 years and 8 months of minimum sentence and will be deported to Spain.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Petro, C-9804, No. 3052, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Petro, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on July 6, 1934, to be computed from April 2, 1934, be commuted from 8 years to 5 years, 8 months expiring on December 2, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon, and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Montgomery County for from 8 to 16 years to the Eastern State Penitentiary on the 6th day of July, 1934, sentence to be computed from April 2, 1934. The Board of Trustees of the Eastern State Penitentiary state the man has a good conduct record and has maintained a satisfactory attitude.

The trial judge, the Honorable George C. Corson states as follows: ". . . Mrs. Petro has been to see me several times and I am most sympathetic with her condition. I feel that perhaps my sentence was a little harsh in the Petro case and if your Board feels that circumstances are such that this applicant can safely be returned to society, I would have no objection to the commutation asked for." The assistant district attorney, Arthur W. Bean, writes as follows: ". . . We have no objection to your Board granting clemency to this defendant."

The investigation of the Board of Pardons reveals the applicant is unquestionably guilty of the crime. All of his accomplices have been paroled except one. The applicant has made such efforts of self improvement that the Board believes that his parole program is of such a character as will materially assist him to take his place in society. He will be employed by Dr. Amos DuBell, Philadelphia, as a chauffeur. The applicant is married and has two children and will reside near his employment.

The applicant has served 5 years and 8 months of his minimum sentence and will be under the supervision of the Board of Pardons until September 19, 1950.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of James Reardon, No. 4639, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that James Reardon, convicted of larceny of automobile and operating same without consent of owner in the Court of Quarter Sessions of Philadelphia County, on June 5, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny of an automobile and sentenced by the Quarter Sessions Court of Philadelphia County to five years probation on the 5th day of June, 1931.

The trial judge, the Honorable Harry S. McDevitt, stated: ". . . this man was placed on five years probation in 1931. His record shows that he served his probationary period without offense, and so far as our police records are concerned, has not been in difficulty since that time. I have no objection to a pardon, if you feel so inclined." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the application.

The investigation of the Board of Pardons reveals the applicant was about 17 years of age when he was sentenced and he had no prior criminal record, and has conducted himself since 1931 in a satisfactory manner. During the time he was on probation he always co-operated with the authorities. He has been satisfactorily employed and seems completely rehabilitated. The applicant is married and has one son.

The Board is of the opinion that this young man, committing this offense in his early youth, has learned his lesson and will continue to be law-abiding citizen. The Board, therefore, recommends that the applicant be granted a full pardon.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of William Schmidt, No. 4604, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William Schmidt, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer of Philadelphia County, on December 15, 1930, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, armed with an offensive weapon, and was sentenced by the Oyer and Terminer Court of Philadelphia County for from 4 to 20 years to the Philadelphia County Prison on the 15th day of December, 1930.

The trial judge, the Honorable Frank Smith, states: ". . . I understand that this young man has conducted himself well since 1934 when he was paroled. I have no copy of his work record since that time, but you must have it before you. I have no objections to make if the Board thinks well of this application. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he was opposed to the granting of the petition.

The investigation of the Board of Pardons reveals that this applicant had no prior criminal record, but was sentenced for nine different robberies before Judge Smith. Since his release from the Philadelphia County Prison he has not been involved in any illegal transactions and has conducted himself in an exemplary manner. He is employed by the General Baking Company, Philadelphia, and is desirous of improving his position with that Company. He requires a full pardon in order to qualify for any advancement. The applicant is married and has four children.

The Board is of the opinion that this applicant has rehabilitated himself and will no longer transgress the law and, therefore, recommends a full pardon be granted.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles J. Sharble, D-1804, No. 3511, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles J. Sharble, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 17, 1936, be commuted from 3½ years to 3 years expiring on December 17, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 3½ to 7 years to the Eastern State Penitentiary on the 17th day of December, 1936.

The Board of Trustees of the Eastern State Penitentiary states that the applicant's conduct is satisfactory. The trial judge, the Honorable James M. Barnett, stated: ". . . I have no objection to the mitigation of his sentence to the

extent of making it to date from the day of his commitment." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had served a substantial portion of his sentence and he had no objection to granting the application.

The investigation of the Board of Pardons indicates this man was unquestionably guilty of the crimes for which he was sentenced. During his incarceration the applicant had made efforts at self improvement. The applicant has nearly completed his minimum sentence having been held in the county jail for 6 months prior to his commitment to the Eastern State Penitentiary. The applicant is assured of employment by the Made-Rite Upholstering Furniture Company, Philadelphia, and will be under the supervision of Reverend John Nehme. The applicant is married and has four children.

The Board recommends that he be granted commutation of his sentence. The applicant has served 3 years of his minimum sentence in the penitentiary plus 6 months in the county jail and will be under the supervision of the Board of Pardons until December 17, 1943.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles Termini, B-5677, C-6878, No. 1373, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Termini, convicted of accessory to kidnapping in the Court of Oyer and Terminer of Montgomery County on November 20, 1930 be commuted from 10 years to 9 years, 1 month expiring on December 20, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of an accessary to kidnapping and was sentenced by the Oyer and Terminer Court of Montgromey County fro from 10 to 25 years in the Eastern State Penitentiary on the 20th day of November, 1930. The Board of Trustees of the Eastern State Penitentiary state that the applicant's conduct has been satisfactory and that he has maintained a co-operative attitude. He has attempted to improve himself by attending school.

The trial judge, the Honorable J. Ambler Williams, did not reply to our letter of inquiry as to the merits of the application. The assistant district attorney, Arthur W. Bean, writes as follows: ". . . Whatever your Board sees fit to do in this case will be entirely satisfactory to us." The former district attorney who conducted the prosecution for the Commonwealth, J. Stroud Weber, Esquire, states: ". . . whatever objections I may have filed with your Board on prior occasions, the same are now withdrawn I believe commutation at this time may help to rehabilitate this defendant.

The investigation of the Board of Pardons indicates this applicant had no prior criminal record and that there is indication that the applicant did not know of the crime when he loaned his automobile to his friend Frank Fillippone. It is certain that the applicant did not profit in any manner by the crime. The applicant is married and has six children who are in dire need. The applicant is assured of employment by Mr. Vincent Venezio who operates a barber shop in Norristown, Pennsylvania. He will be under the sponsorship of Mr. Russell Carfango, Norristown, Pennsylvania.

The Board recommends that the sentence of the applicant be commuted. He has served 9 years and 1 month of his minimum sentence and will be under the supervision of the Board of Pardons until November 20, 1955.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Jesse Tittermary, No. 4651, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Jesse Tittermary, convicted of embezzlement, fraudulent conversion, larceny and conspiracy to embezzle and steal in the Court of Quarter Sessions of Philadelphia County, on September 10, 1929, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of conspiracy to embezzle, embezzlement, fraudulent conversion, and was sentenced by the Quarter Sessions Court of Philadelphia County to nine months to the Philadelphia County Prison on the 10th day of September, 1929.

The trial judge, the Honorable Francis Shunk Brown, Jr., states: ". . . the sentence imposed by me was duly served, and so, whether or not Tittermary should be granted the relief which he now seeks is a question solely for the Board of Pardons to determine." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he was opposed to the granting of the application.

The investigation of the Board of Pardons reveals that this applicant since his release from the Philadelphia County Prison has maintained a good work record and has made an honest effort to live a law-abiding life. He is now employed by the Crowell Publishing Company as a magazine salesman and has an opportunity to advance himself with that company. It is necessary that he receive a pardon in order to acquire a bond. The applicant is married and has two children.

The Board recommends that this application be granted believing that a pardon will in part remove the stigma of the crime and be of material assistance to his business advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Julia Trombetta, No. 4649, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the minimum sentence of Julia Trombetta, convicted of abortion in the Court of Quarter Sessions of Allegheny County on October, 21, 1938 be commuted from 1½ years to 1 year, 2 months expiring on December 21, 1939.

Our reasons for making this recommendation are as follows:

The applicant was sentenced by the Quarter Sessions Court of Allegheny County for the crime of abortion for from 1½ to 3 years to the Pennsylvania Industrial Home for Women on the 21st day of October, 1938.

The Superintendent of the Pennsylvania Industrial Home for Women, states: ". . . Mrs. Trombetta is in a very poor physcial condition and much of the time she is confined to her bed. Due to her age and physical condition, we believe the sentence she has served will act as a deterrant against further criminal activity." The trial judge, the Honorable Henry H. Wilson states: ". . . I believe that it would be best to release Mrs. Trombetta on parole, depending on her state of mind." The assistant district attorney, Ralph T. Bell, Esquire, stated that he felt she should serve her minimum sentence.

The investigation of the Board of Pardons reveals that this woman was properly convicted of the crime. Her present physical condition is serious, having a case of aggravated diabetes. Her present age is 54, and it is believed that due to her physical condition and age she will not again violate the law. She is unable to find employment, but will reside with her son who owns and operates a drug store in the city of McKeesport, Pennsylvania. The Board recommends that her sentence be commuted. She will have served 1 year and 2 months of her minimum sentence, and will be under the Supervision of the Board until October, 1941.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Hilary Veard, B-3146, No. 3765, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of imprisonment imposed on Hilard Veard, convicted of breaking and entering, larceny in the Court of Quarter Sessions of Centre County on February 24, 1932. be commuted on Bill No. 37 from a minimum of 5 years to a minimum of 3 years 11 months, expiring on January 24, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles H. White, D-2427, No. 4361, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles H. White, convicted of statutory rape in the Court of Oyer and Terminer and Quarter Sessions of Lebanon County on September 11, 1937, be commuted from 3 years to 2 years, 3 months expiring on December 11, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of statutory rape and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Lebanon County for from 3 to 6 years to the Eastern State Penitentiary on the 11th day of September, 1937. The Board of Trustees of the Eastern State Penitentiary states the man's conduct record has been satisfactory and that he has maintained a co-operative attitude.

The trial judge, the Honorable Charles V. Henry, states: ". . . I never knew of this man being charged with any offense prior to the charge of statutory rape. When called for sentence after pleading guilty he contended that he was physically unable to have sexual intercourse and he charged the girl with having an unsavory reputation." The district attorney, the Honorable Earl A. Brubacker, states: ". . . It is our belief that the applicant has been sufficiently punished and will not again commit any crime."

The investigation of the Board indicates that this man is now 82 years of age and there maybe some question as to his contention that he is physically unable to have committed crime. In all events, his son-in-law, Mr. Hess, Ford Dealer, Hershey, Pennsylvania, will take him into his home and give him the care and protection of a good home until the end of his life.

The Board is of the opinion that this elderly man has been sufficiently punished and that they have confidence that the applicant will not violate the law in the future. The applicant will have served 2 years and 3 months of his minimum sentence and will be under the supervision of the Board of Pardons until September 11, 1943.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of James Williams, C-5762, No. 429, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of James Williams, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 5, 1929 be commuted from life imprisonment to 10 years expiring on December 5, 1939, and and a maximum of life imprisonment.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder in the first degree and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County to life imprisonment in the Eastern State Penitentiary on the 5th day of December, 1929. The Board of Trustees of the Eastern State Penitentiary state the applicant has a fair conduct record and has been employed in the tailor shop for about 8 years.

The trial judge, the Honorable Howard A. Davis, was opposed to the granting of the application. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that the applicant killed the worst type of labor leader in Philadelphia County. Judge Harry S. McDevitt wrote the Board of Pardons as follows: ". . . Nothing justifies his taking human life, but there were such aggravated circumstances that I thought at the time that it was nearer manslaughter than first-degree murder. The man he murdered conducted an employment agency in the central part of the city and made a practise of trimming poor unfortunates every time he got the chance. This poor negro had been kicked around from one job to another without being paid and finally was driven to desperation by his dire circumstances. An investigation will show that the agent had conducted himself in the same manner in Baltimore where he was required to give up his license, and the Pennsylvania and Philadelphia records will show that there were innumerable complaints about his practises here. I am sure that the penitentiary authorities will tell you that this man has been a model prisoner. He has worked hard in the past ten years that he spent in the penitentiary and has at no time caused any trouble. Judge Davis sentenced him and his views may not coincide with mine; but I visit the penitentiary every week and I do not think Judge Davis has been there twice in twenty years. I hope you will pardon my intrusion and accept this letter in the spirit in which it is sent."

The investigation of the Board of Pardons reveals that the victim was most cruel and unjust towards unfairness and the sentiment that Judge McDevitt has expressed is the feeling of the Board towards this applicant.

The Board, therefore, recommends that this sentence be commuted. The applicant will have served 10 years of his sentence and will be under the supervision of the Board of Pardons for the rest of his natural life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Thomas P. Wyliga, C-6769, No. 4629, November Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Thomas P. Wyliga, convicted of felonious entry and larceny in the Court of Oyer and Terminer and Quarter Sessions of Franklin County on January 27, 1931, be commuted on Bill No. 47 from 5 years to a minimum of 3 years, 11 months, expiring on December 27, 1939, and on Bill No. 48 from a minimum of 5 years to a minimum of 1 day expiring on December 28, 1939.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of felonious entry and larceny and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Franklin County for from 15 to 30 years in the Eastern State Penitentiary on the 27th day of January, 1931. The Board of Trustees of the Eastern State Penitentiary state this man has a good conduct record and has made efforts of self improvement during his incarceration.

The trial judge, the Honorable Warren S. Davidson, writes: ". . . if this man's record in the penitentiary is satisfactory and that he, having served almost nine years of a minimum of fifteen years, will be required to return to the Elmira Reformatory, there to serve out an unexpired term, I would not oppose the granting of commutation to this applicant." The district attorney, Honorable J. Glenn Benedict, writes." . . . I feel that his sentence when imposed was entirely proper and justified. I feel that this defendant should not be paroled having served only half of the minimum sentence."

The investigation of the Board of Pardons indicates this man was unquestionably guilty of a series of robberies in Franklin County and was justly sentenced by Judge Davidson to the Eastern State Penitentiary. This man has served approximately 9 years and there is a detainer lodged against him to serve an unexpired term in the Elmira Reformatory, New York.

The Board, therefore recommends that this man's sentence be commuted in order that he may be taken into custody by the New York State authorities and serve his unexpired sentence in that State. He has served 8 years and 11 months of his minimum sentence and will be under the supervision of the Board of Pardons until January 27, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.

WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Harold Brasher, No. 4388, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harold Brasher, convicted of conspiracy, arson in the Court of Quarter Sessions of Delaware County on October 4, 1936, to begin July 29, 1936, be commuted from 5 years to 3 years, 6 months expiring on January 29, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty for the crime of conspiracy and arson, and was sentenced by the Quarter Sessions Court of Delaware County to pay a fine of $500, costs of prosecution and to imprisonment in the Delaware County Prison for from 5 to 10 years on the 4th day of October, 1936. Sentence to be computed from July 29, 1936.

The trial judge, the Honorable John M. Broomall, states: ". . . because of the fact that the other boys involved in the same series of crimes have either served their time or been paroled, I think it proper that his sentence should be commuted at once." The Warden of the Dalaware County Prison, Mr. Kane, personally appeared before the Board and recommended the parole of Harold Brashear. The investigation of the Board of Pardons indicates that this applicant, together with four other accomplices were members of a fire company, and set fire to a number of buildings in order to experience the thrill of running to a fire. All of the accomplices have been released on parole. The Board of Pardons feels that this applicant has been sufficiently punished, and it is the opinion of the Board that he will no longer indulge in this form of amusement. The Board agrees with the trial judge and the Warden of the Delaware County Prison that he will be on his good behavior after his discharge. The applicant will have served 3 years and 6 months of his minimum sentence, and will be under the supervision of the probation department of Delaware County until 1946.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Morris E. Case, D-293, No. 2406, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Morris E. Case, convicted of attempted rape, in the Court of Oyer and Terminer and Quarter Sessions in Philadelphia County, on January 15, 1935, be commuted from Bill No. 693 from a minimum of 2½ years to a minimum of 1 day, expiring on January 16, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Fred Dunberg, B-2013, No. 3304, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommends that the maximum sentence on Bill No. 56 and the minimum sentences on Bills No. 57, 58, 59 and 60 of Fred Dunberg, convicted of robbery, in the Court of Oyer and Terminer of Allegheny County on April 30, 1930, be commuted on Bill No. 56 from a maximum of 4 years to a minimum of 1 year, 9 months, expiring on January 30, 1940, on Bill No. 57 from a minimum of 2 years to a minimum of 1 day, expiring on January 31, 1940, on Bill 58 from a minimum of 2 years to a minimum of 1 day, expiring on February 1, 1940, on Bill No. 59 from a minimum of 2 years to a minimum of

1 day, expiring on February 2, 1940 and on Bill No. 60 from a minimum of 2 years to a minimum of 1 day, expiring on February 3, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Allegheny County for from 14 to 34 years in the Western State Penitentiary on the 30th day of April, 1930.

The Board of Trustees of the Western State Penitentiary states: ". . . if this inmate were eligible to apply for parole, we would probably recommend him for parole (1) youth at time of conviction (2) excellent institutional record (3) cooperative inmate (4) has served almost 9 years, 8 months." The trial judge, the Honorable Harry H Rowand, did not reply to our letter of inquiry. The assistant district attorney, Ralph Bell, Esquire, stated that if the Board is satisfied that the applicant has a satisfactory parole program he would have no objection to the granting of the application. The investigation of the Board of Pardons reveals that this applicant was 18 years of age when he was sentenced for committing a series of robberies in Allegheny County. He was unquestionably guilty of the crimes for which he was sentenced. During his incarceration he has made some efforts of self-improvement. He has an excellent conduct record and is employed in the Penitentiary as an automobile mechanic. It is the feeling of the Board that this young man, having served almost his minimum sentence, is ready for release. He will be under the sponsorship of Mrs. Thomas Sims, Mount Oliver, Pittsburgh, Pennsylvania, who bears a very splendid reputation in her community. He will be employed by Mr. Charles Page, who operates an automobile repair and gasoline station on Becks Run Road, Pittsburgh, Pennsylvania. Mr. Page, is a man of good reputation and has conducted a business at this location for the past thirteen years.

The Board is of the opinion that if this man is ever ready for release, the time has arrived, and under a responsible parole program the applicant should not return to a life of crime.

The Board, therefore, recommends that this applicant have his sentence commuted. He will have served 9 years and 9 months of his minimum sentence. He will be under the supervision of the Board of Pardons until February 2, 1950.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of William F. Fiedler, Jr., No. 4670, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William F. Fiedler, Jr., convicted of operating auto while under influence of intoxicating liquor, assault and battery, aggravated assault and battery unlawful failing to stop, and give name and address in the Court of Quarter Sessions of Philadelphia County, on June 8, 1936, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of operating an automobile while under the influence of intoxicating liquor; unlawful failing to stop and give name and address; assault and battery; aggravated assault and battery, and was sentenced by the Quarter Sessions Court of Philadelphia County on the 8th day of June, 1936, to make restitution in the sum of $50.00, pay the costs of prosecution and placed on probation for 5 years.

The trial judge, the Honorable Harry S. McDevitt, states: ". . . I am inclined to think that he learned a good lesson and I am satisfied that any statement made to you concerning his future by his attorney can be relied upon." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the petition. The investigation of the Board of Pardons indicates that he is a graduate from the University of Pennsylvania, and was captain of the football team in his senior year. He is now persuing further study in the University in order to qualify for a Master of Arts Degree. The report indicates unquestionably that the applicant was drinking the night of the accident, and his assault and battery upon an officer arose from the fact that the officer was dressed in civilian clothes. The applicant mistook the officer for an interferring stranger, resulting in the altercation.

The Board of Pardons believes that this applicant has been sufficiently punished, and will not in the future become involved in any illegal acts, and therefore, recommends that a pardon be granted.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of Mike L. Frabie, B-1176, No. 1176, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Mike L. Frabie, convicted of robbery, receiving stolen goods, felonious assault in the Court of Oyer and Terminer and Quarter Sessions of Allegheny County on January 8, 1929, to begin January 8, 1939 be commuted from 1½ years to 1 year expiring on January 8, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of highway robbery felonious assault and receiving stolen goods, and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Allegheny County for from 11½ to 25 years in the Western State Penitentiary on the 8th day of January, 1929. Applicant was paroled on first bill (Bill No. 12) effective January 8, 1939, approved by the Governor on October 18, 1938.

The trustees of the Western State Penitentiary states: ". . . if this inmate were eligible to apply for parole, we would probably recommend him for parole, (1) has now been continuously confined for almost 12½ years (2) excellent institutional record since transfer to Rockview." The trial judge, the Honorable George V. Moore, did not reply to our letter of inquiry. The assistant district attorney, Ralph Bell, Esquire, stated that he had no objection to the granting of the petition. The investigation of the Board of Pardons reveals that this applicant was unquestionably guilty of the crimes for which he was sentenced. It was indicated at the hearing that the applicant served 18 months in the county prison prior to his sentence and conviction in January, 1929. The applicant has a good conduct and is now employed as a bookkeeper in the Penitentiary's office. The applicant has been assured employment in the grocery store of Mrs. Nellie Meehan. The in-

vestigation of the employer reveals that she is a reputable woman. The applicant will reside with his mother and son in Pittsburgh. The Board of Pardons is of the opinion that this applicant was a young man at the time of his conviction, and that he has been sufficiently punished, and under a good parole and sponsorship program there is every reason to believe that the applicant will lead a law-abiding life.

The Board, therefore, recommends that a commutation be granted. The applicant will have served 11 years of his minimum sentence, and will be under the supervision of the Board of Pardons until January 8, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Frank Aloysius Gallagher, C-9177, No. 3581-A, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Aloysius Gallagher, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 12, 1933, be commuted from 10 years to 6 years, 4 months expiring on January 12, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead nolle contendere for the crime of robbery, being armed with an offensive weapon, and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 10 to 20 years in the Eastern State Penitentiary on the 12th day of September, 1933.

The Board of Trustees of the Eastern State Penitentiary, states: ". . . that his conduct record has been satisfactory, and that he has a fair work record at the institution." The trial judge, the Honorable Albert S. C. Millar, states: ". . . I would give serious consideration to the application; particularly because it appears that the two other defendants were paroled." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he was opposed to the granting of the application. The investigation of the Board of Pardons indicates that this applicant was involved in a series of crimes in Philadelphia and Delaware Counties. His Delaware County sentence was made to run concurrent with the Philadelphia County sentence. The accomplices of the applicant have been released on parole. The applicant is assured of employment by Mr. Jacob Hamburg, who conducts a poultry business in Philadelphia. He will reside with his mother in Philadelphia.

The Board of Pardons is of the opinion, despite his criminal record, that he has been rehabilitated, and there is every reason to believe that he will not reenter the field of crime upon his release. The Board therefore, recommends that his sentence be commuted. The applicant will have served six years and four months of his minimum sentence, and will be under the supervision of the Board of Pardons until September 12, 1953.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of George C. Gettler, No. 2753, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that George C. Gettler, convicted of felonious entry, larceny, receiving stolen goods in the Court of Quarter Sessions of Lebanon County on January 30, 1933 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of felonious entry, larceny and receiving stolen goods, and was sentenced by the Quarter Sessions Court of Lebanon County for from 4 to 8 years in the Eastern State Penitentiary on the 30th day of January, 1933. The applicant was released on parole at the expiration of his minimum sentence, January 30, 1937.

The Board of Trustees of the Eastern State Penitentiary states that the applicant was paroled on January, 1937, and that they have no record of his conduct since his release. The trial judge, the Honorable Charles V. Henry states: ". . . I believe his application merits serious consideration in view of his record and reputation since his release and his marriage to a girl who is a citizen." The present district attorney, Earl A. Brubaker, Esquire, states: ". . . I likewise join in their opinions as to the merits of this application." The trial district attorney, Charles T. Hickernell, states: ". . . I heartily approve of his application for his parole and trust that the Pardon Board will grant him a full pardon." The investigation of the Board of Pardons indicates that this applicant since his release has conducted himself as a law-abiding citizen. He is now in partnership with Mr. G. S. Spaid, conducting an automobile repair business under the name of Sand Hill Garage, Lebanon, Pennsylvania. The applicant is married and has three children. The Board is of the opinion that this man is worthy of receiving a pardon, having conducted himself in an exemplary manner since his release. Many citizens of Lebanon County have written very fine letters to the Board in behalf of the applicant, testifying as to his character, ability and law-abiding conduct.

The Board, therefore, recommends that a full pardon be granted.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of William Gillette, A-14957, No. 1705, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on William Gillette, convicted of robbery, receiving stolen goods, felonious assault and battery in the Court of Oyer and Terminer and Quarter

Sessions on February 15, 1927, be commuted on Bill No. 11 from a minimum of 5 years to a minimum of 2 years, 11 months and 29 days, expiring on February 14, 1940, and on Bill No. 60 from a minimum of 3 years to a minimum of 1 day, expiring on February 15, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Morris M. Graves, C-8578, No. 2301, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Morris M. Graves, convicted of attempted rape, taking female child for purpose of sexual intercourse in the Court of Oyer and Terminer and Quarter Sessions on January 18, 1933, in Philadelphia County, be commuted on Bill No. 186 from a minimum of 2½ years to a minimum of 1 day, expiring on January 19, 1940, and on Bill No. 187 from a minimum of 2 years to a minimum of 1 day, expiring on January 20, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Patrick Anthony Francis Hodge, D-614, No. 4462, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Patrick Anthony Francis Hodge, convicted of larceny, receiving stolen goods, rape in the Court of Quarter Sessions of Lancaster County on September 14,

1925, and convicted of false pretense in the Court of Oyer and Terminer and Quarter Sessions Court of Philadelphia County on May 28, 1935, be commuted from thirteen years to a minimum of eleven years, two months, and a maximum of thirteen years, expiring on January 28, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny, receiving stolen goods and rape, and was sentenced by the Quarter Sessions Court of Lancaster County for from 6½ to 13 years in the Eastern State Penitentiary on the 14th day of September, 1925. The applicant was paroled on the 29th day of March, 1932. The applicant plead guilty to the crime of false pretense, and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County on the 28th day of May, 1935, to the Eastern State Penitentiary for from 3 to 6 years. Sentence to run concurrent with the unexpired term of the sentence imposed on the 14th day of September, 1925, from Lancaster County.

The Board of Trustees of the Eastern State Penitentiary states that his institutional record has been satisfactory, and that he has made definite efforts of self-improvement, and he is an instructor in the prison school in show card writing. The trial judge, the Honorable Otto R. Heiligman, states: ". . . he opposes the petition for the reason that he feels the sentence imposed was justified; the defendant was not injured by the sentence imposed by the Court for the reason that said sentence was a concurrent sentence with the parole violation as aforesaid." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he was not opposed to the granting of the petition believing that the applicant has been rehabilitated. The Supervisor of Paroles, Thomas T. Taylor, states: ". . . if he is released and would proceed to this job and is kept steadily engaged in this work it would probably be better in the interest of society to parole him." The investigation of the Board of Pardons indicates that this applicant has a criminal record largely of petty larceny, and that his present sentence is practically his first major incarceration.

The Board is of the opinion, however, that this applicant has truly made every effort to prepare himself for a place in society upon his release. The unfortunate family relationship placed this boy on his own resources from practically the age of 12 years. The applicant has been assured of sponsorship by Mr. Joseph E. Meyers, who resides in Philadelphia, and he will be employed by Mr. John P. Lynn, as a helper on Moving Vans.

The Board, therefore, recommends that the sentence be commuted, and the applicant will be under the Supervision of the Board of Pardons until November 13, 1941.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Harry Hoover, B-2406, No. 3301, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harry Hoover, convicted of robbery, in the Court of Over and Terminer of Allegheny County on January 7, 1931, be commuted on Bill No. 79 from a minimum of ten years to a minimum of nine years, expiring on January 7, 1940; and on Bill No. 75 from a minimum of twenty years to a minimum of one day, expiring on January 8, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Alle- County for from 30 to 60 years in the Western State Penitentiary on the 7th day of January, 1931.

The Board of Trustees of the Western State Penitentiary states: ". . . if this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first conviction (2) youth at time of conviction (3) improved attitude towards authority (4) excellent work and conduct records during past three years (5) has served 8 years, 5 months." The trial judge, the Honorable George V. Moore wrote under date of April, 1937, ". . . in my opinion, at this time there is no merit in his application." He did not reply to our recent request for his opinion as to the merits of the application. The assistant district attorney, Ralph Bell, Esquire, stated that he had no recommendation to make, but would abide by the decision of the Board in this matter. The investigation of the Board of Pardons reveals that this applicant was unquestionably guilty of the crimes for which he was convicted, namely, a bank hold-up. The applicant has had a good conduct record and is now employed in the hospital kitchen in the Penitentiary. The Board is of the opinion that this applicant is ready for release and under careful sponsorship and employment program set up for him, there is every likelihood that he will live a law-abiding life. His brother-in-law owns and operates a farm in the State of Ohio, and he will be given employment and a home on the farm. The applicant has a detainer lodged against him from the State of New Jersey, and this commutation is recommended on the condition that the detainer be lifted prior to his release.

The Board, therefore, recommends the commutation of the sentence, subject to the lifting of the detainer. The applicant will have served 9 years of his minimum sentence, and will be under the supervision of the Board of Pardons until January 7, 1980.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Francis V. Klitsch, B-1535, No. 3948, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Bill No. 472 and the minimum sentence of Bill No. 473 of Francis V. Klitsch, convicted of robbery, being armed with an offensive weapon with intent to rob, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on July 17, 1928, be commuted on Bill No. 472 from a maximum of 20 years to a minimum of 11 years, 8 months, expiring on March 17, 1940, and a maximum of 20 years; on Bill No. 473 from a minimum of 5 years to a minimum of 1 day, expiring on March 18, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon with intent to rob, and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 25 to

50 years on the 17th day of January, 1928. The applicant was transferred to the Western State Penitentiary on July 31, 1929, under the Act of 1921.

The Board of Trustees of the Western State Penitentiary states: ". . . we would probably conditionally recommend him for parole subject to an adequate parole plan (1) improvement in his attitude and conduct during the past 3 years (2) has now served 11 years, 5 months." The trial judge, the Honorable Harry S. McDevitt, states: ". . . if, in the opinion of the Warden of the Western Penitentiary, his health justifies your intervention, I have no objection; but if he is to stand on his record, he ought to stay where his is." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he would have no objection to his release provided there was no question as to the rehabilitation of the applicant. The investigation of the Board of Pardons indicates that the applicant was unquestionably guilty of the offenses for which he was convicted. The man is suffering from a type of epilepsy. He has made some efforts of self-improvement. The Board is of the opinion that this applicant received a very severe sentence, and that he has served a very substantial portion of his sentence up to this time. He has been assured employment and will reside with his brother in Reno, Nevada. His brother conducts a tourist camp near Reno, and has a splendid reputation in that community.

The Board is of the opinion that this applicant is ready for release under the sponsorship and direction of his brother, and that further incarceration will serve no good purpose. The Board, therefore, recommends the sentence of this applicant be commuted. He will be under the supervision of the Board of Pardons until July 17, 1958.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Albert Long, No. 4695, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Albert Long, convicted of bribery, extortion and conspiracy, in the Court of Quarter Sessions of Philadelphia County, on November 2, 1928, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crimes of bribery, extortion and conspiracy, and was sentenced by the Quarter Sessions Court of Philadelphia County to six months in the Philadelphia County Prison on the 2nd day of November, 1928.

The trial judge, the Honorable James Gay Gordon, Jr., did not reply to our letter of inquiry. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the petition. The investigation of the Board of Pardons reveals that this applicant has no prior criminal record, and that since his conviction in 1928, he has lead a law-abiding life. The applicant was a police officer in the year 1928, and was convicted of collecting protection money from bootleggers.

The applicant is now employed by the Harshaw Chemical Company, Philadelphia, and has been for the past six years. He is a night watchman. In order to secure advancement, it is necessary that he procure a license as a private night watchman, and so, he is desirous of clearing his record. The applicant is married and resides with his wife and three children in Philadelphia. The Board believes that this man has rehabilitated himself and will not offend against the law in this Commonwealth in the future. The Board, therefore, recommends that a full pardon be granted, believing that it will in part remove the stigma of the crime and be of material assistance in his business advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Harry Lower, C-7834, No. 4212, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Harry Lower, convicted of robbery, being armed with an offensive weapon, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 8, 1932, be commuted on Bill No. 1650 from a minimum of 10 years to a minimum of 7 years, 10 months, expiring on January 8, 1940, on Bill No. 1651 from a minimum of 5 years to a minimum of 1 day, expiring on January 9, 1940 and on Bill No. 1652 from a minimum of 5 years to a minimum of 1 day, expiring on January 10, 1940

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon, and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 20 to 60 years in the Eastern State Penitentiary on the 8th day of March, 1932.

The Board of Trustees of the Eastern State Penitentiary states that the applicant's record in the institution is good: that he had made definite efforts of self-improvement, having learned a great deal about the trade of automobile repairing. The trial judge, the Honorable Harry S. McDevitt, states: ". . . I am inclined to think that this boy is about as well prepared to go out as he ever will be, but his destiny is in his own hands." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that although the crime was accompanied by the use of brutal methods he would be satisfied with any decision of the Board of Pardons. The investigation of the Board of Pardons reveals that this man is unquestionably guilty for the crime which he was sentenced. However, during the past 8 years he has made definite efforts of self-improvement, and has learned the trade of an automobile mechanic and is employed in the institution as a garage mechanic. The Board is of the opinion that this applicant is ready for release and under the proper parole program he has every opportunity to live a law-abiding life. The applicant is married and has two children and will reside with his wife and family in Philadelphia. He has been offered employment by Mr. Samuel Greenberg, as a mechanic, in the New Uptown Garage, Philadelphia.

The Board, therefore, recommends that the sentence of this applicant be commuted. He will be under the supervision of the Board of Pardons until January 10, 1960.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.

CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Walter O. Morehart, B-3129, No. 986, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Walter O. Morehart, convicted of statutory rape, in the Court of Oyer and Terminer of Allegheny County on April 16, 1931, be commuted from a maximum of 15 years to a minimum of 8 years, 5 months and 12 days, expiring on January 16, 1940, and a maximum of 15 years; and that the minimum sentence of Walter O. Morehart, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County on the 23rd day of February, 1932, be commuted from a minimum of 5 years to a minimum of 1 day expiring January 17, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of statutory rape and was sentenced by the Oyer and Terminer Court of Allegheny County for from 5 to 15 years in the Western State Penitentiary on the 16th day of April, 1931. He escaped from the penitentiary and was apprehended and was sentenced by the Quarter Sessions Court of Centre County for from 5 to 15 years on the 23rd day of February, 1932. This sentence to begin at the expiration of the unexpired term of the original sentence.

The Board of Trustees of the Western State Penitentiary states: ". . . in view of his escape from Rockview, should at least complete minimum sentences imposed by the courts, which will not expire until August 4, 1941." The trial judge of Allegheny County, the Honorable George V. Moore did not reply to our letter of inquiry relative to the merits of the application. The trial judge of Centre County, the Honorable M. Ward Fleming, was opposed to the granting of the petition. The assistant district attorney, Ralph Bell stated that he had no objection to the granting of the application as the applicant had served the minimum of the Allegheny County sentence. The investigation of the Board of Pardons reveals that this applicant has served nearly the total of his minimum sentences. He has a good conduct record in the penitentiary and is employed in the Tag Department. The Board is of the opinion that this applicant has made a definite attempt of self-improvement. He is assured of employment with his brother-inlaw and sister in the State of Ohio. A position in a laundry in Columbus, Ohio, has been assured him. He will reside under most favorable surroundings, and there is every reason to believe that he will live a law-abiding life.

The Board, therefore, recommends that his sentence be commuted. He will have served 8 years, 5 months and 12 days of his minimum sentence, and will be under the supervision of the Board of Pardons until January 16, 1955.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John E. Mudry, B-4610, No. 3566, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John E. Mudry, convicted of robbery with aggravated circumstances in the Court of Oyer and Terminer of Beaver County on July 20, 1935, be commuted from 5 years to 4 years, 6 months expiring on January 20, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery with aggravated circumstances and was sentenced by the Oyer and Terminer Court of Beaver County for from 5 to 20 years in the Western State Penitentiary on the 20th day of July, 1935.

The Board of Trustees of the Western State Penitentiary states: ". . . if this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first imprisonment (2) excellent institutional record (3) cooperative inmate." The trial judge the Honorable William A. McConnell did not reply to our letter of inquiry. The district attorney, Robert E. McCreary, states: ". . . the record of this man shows that he has a tendency toward being incorrigible. However, we will not stand in the way of the granting of his application if the Pardon Board be of the opinion that giving him a break by remitting the last six months of his prison term might give him a kindlier feeling toward society." The investigation of the Board of Pardons indicates that this man is unquestionably guilty for the crime for which he was sentenced. His conduct in the penitentiary has been good and he is employed as a bathroom attendant in the institution. The applicant was a young man when he was sentenced and he has almost completed his minimum sentence. The Board believes that he is ready for release and that his present parole program is of such a character, if taken advantage of now, that he may not reenter the field of crime. He is offered employment by Mr. John Sivak of Aliquippa in the Aliquippa Dairy. He will reside with his parents amid agreeable surroundings. It is the belief of the Board of Pardons that this young man has learned his lesson and will remain a law-abiding citizen in the future.

The Board, therefore, recommends that his sentence be commuted. The applicant will have served 4 years and 6 months of his minimum sentence, and will be under the supervision of the Board of Pardons until July 20, 1955.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

---

BOARD OF PARDONS

In re application of James Murphy, C-5939, No. 128-A, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on James Murphy, convicted of breaking and larceny, in the Court of Oyer and Terminer and Quarter Sessions in Luzerne County, on January 23, 1930, be commuted on Bill No. 320 from a minimum of 5

years to a minimum of 1 day, expiring on January 24, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

---

BOARD OF PARDONS

In re application of Mark D. Murphy, No. 1809, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Mark D. Murphy, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Schuylkill County, on January 13, 1930 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder in the second degree and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Schuylkill County for from 10 to 20 years in the Eastern State Penitentiary on the 13th day of January, 1930. The applicant was released on parole by reason of a commutation granted by the Board of Pardons on the 25th day of January, 1935.

The Board of Trustees of the Eastern State Penitentiary states that since his release on parole in 1935, that they have no record of his activities since that date. The trial judge, the Honorable Richard H. Koch, states: ". . . I will have no objection to his pardon." The President Judge, the Honorable Henry Houck was non-committal. The present district attorney, C. A. Whitehouse, Esquire, states: ". . . since we have no knowledge of Mr. Murphy's conduct since his sentence to the Eastern State Penitentiary nor of his whereabouts since his parole on January 25, 1935, we leave the matter of a pardon to the sound discretion of the Board." The investigation of the Board of Pardons indicates that this applicant since his release has lead a very law-abiding life. He has a splendid parole record, and has been continuously employed since his release. He is now employed by the Florence Motor Company, West Philadelphia. The applicant is married and has one son. Doctor Linn Bowman, Restoration Director of the Eastern State Penitentiary, spoke to the Board of the fine character of the applicant. The applicant is desirous of advancement and believes that his present parole statis interferes with the attainment of that goal.

The Board, therefore, recommends that a full pardon be granted to this applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

---

BOARD OF PARDONS

In re application of John Murray, No. 4690, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Murray, convicted of operating auto without consent of owner; larceny of auto; receiving stolen goods in the Court of Quarter Sessions of Philadelphia County, on June 15, 1928, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of operating an automobile without consent of owner; larceny of an automobile; receiving stolen goods, and was sentenced by the Quarter Sessions Court of Philadelphia to 3 years on probation on the 15th day of June, 1928.

The trial judge, the Honorable Frank Smith, states ". . . I placed Murray on probation for 3 years. I am satisfied that he did not have anything to do with the operation of this automobile and since this happened 11 years ago, I believe it would be proper for the Board of Pardons to grant this pardon so that Murray may take his Civil Service examination." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the petition. The investigation of the Board of Pardons indicates the applicant had no prior criminal record and that since his release he has conducted himself in a law-abiding manner. He has been steadily employed in various concerns in Philadelphia, and for the past year and a half has been employed as an attendant at the Philadelphia General Hospital. The applicant is desirous of taking a civil service examination

for his personal advancement, and requires a pardon to be eligible for the examination. The applicant is unmarried and resides with his mother in Philadelphia.

The Board believes that the applicant has been sufficiently punished, and that he has shown definite indication of rehabilitation. The Board, therefore, recommends that a pardon be granted to him believing that it will help to remove the stigma of the crime, and be of material assistance in his business advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Amando Preziosi, D-2846, No. 3744, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentences of Amando Preziosi, convicted of larceny of an automobile, in the Court of Quarter Sessions of Philadelphia County, on the 2d day of February, 1938, be commuted on Bill No. 1506 from a minimum of 2½ years to a minimum of 2 years, expiring on January 29, 1940, and on Bill No. 1507 from a minimum of 2½ years to a minimum of 1 day, expiring on January 30, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny of an automobile, and was sentenced by the Quarter Sessions Court of Philadelphia County for from 5 to 10 years in the Eastern State Penitentiary on the 2d day of February, 1938. Sentence to begin January 29, 1938.

The Board of Trustees of the Eastern State Penitentiary states that the applicant has a fair conduct record with improvement in his attitude recently noticed. The trial judge, the Honorable Howard A. Davis, states: ". . . the petitioner has no previous record, is a young man, and probably the time that he has served in the Penitentiary has had a salutary effect upon him. If the Board of Pardons sees its way clear to grant parole, I have no objection." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he has been sufficiently punished and has no objection to his release. The investigation of the Board of Pardons indicates that this man was never guilty of stealing an automobile or participating in the proceeds of the sale. However, he was associating with a well known automobile thief.

The Board of Pardons is of the opinion that this applicant, serving his first imprisonment, having no previous criminal record has been sufficiently punished, and in all likelihood, will hereafter pursue a law-abiding life. The applicant is assured of employment by the Colonial Floor Covering Company, Philadelphia, and will reside with his parents in Philadelphia.

The Board, therefore, recommends that his sentence be commuted, and he will under the supervision of the Board of Pardons until January 29, 1948.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

---

BOARD OF PARDONS

In re application of George K. Ramsey, No. 2220, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that George K. Ramsey, convicted of fraudulently making a written instrument in the Court of Quarter Sessions of Philadelphia County, on March 2, 1934, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of fradulently making a written instrument, and was sentenced by the Quarter Sessions Court of Philadelphia County for from 2 to 10 years in the Eastern State Penitentiary on the 2nd day of March, 1934.

The Board of Trustees of the Eastern State Penitentiary states that the applicant was paroled at the expiration of his minimum sentence on the 27th day of May, 1936, and that he has no known previous criminal record. The trial judge, the Honorable Harry S. McDevitt, states: ". . . so far as I can ascertain this man has not violated the law since the expiration of his minimum sentence. If your investigation shows nothing to the contrary, I have no objection to your granting him the pardon that he seeks. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the petition. The investigation of the Board of Pardons indicates that this applicant by fraudulent entries embezzled $75.000.00 from the Land Title and Trust Company of Philadelphia. Since his release the applicant has proved to be an industrious worker. Upon leaving the penitentiary he sold household appliances from door to door for the Westinghouse Electric Company. Through his industry and ability he is about to be appointed sales manager for one of the department of the Westinghouse Electric Company in the Philadelphia area. The applicant is married and resides with his wife and family in Philadelphia.

The Board of Pardons is of the opinion that this applicant has shown by his industry that he has fully rehabilitated himself, and there is every reason to believe that he will never be guilty of offending the laws of this Commonwealth.

The Board, therefore, recommends the applicant be granted a pardon believing that it will in part remove the stigma of the crime and be of material value of his business advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Arnold Rohloff, B-3886, No. 4291, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Arnold Rohloff, convicted of robbery, being armed with an offensive weapon, in the Court of Oyer and Terminer of Washington County on June 1, 1931, be commuted from a maximum of 12 years to a minimum of 8 years, 6 months and 4 days, expiring January 1, 1940, and a maximum of 12 years; and that the minimum sentence of Arnold Ruhloff, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County on November 13, 1933, be commuted from a minimum of 6 years to a minimum of 1 day, expiring January 2, 1940; and that the minimum sentence of Arnold Rohloff, convicted of breaking jail in Centre County in the Court of Quarter Sessions of Centre County on November 13, 1933, be commuted from a minimum of 1 year to a minimum of 1 day, expiring January 3, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer Court of Washington County for from 6 to 12 years in the Western State Penitentiary on the 1st day of June, 1931. He was sentenced for the crime of breaking and escaping penitentiary and for the crime of breaking the Centre County Jail by the Quarter Sessions Court of Centre County for from 7 to 14 years on the 13th day of November, 1933. Sentence to begin at the expiration of the unexpired term of the original sentence.

The Board of Trustees of the Western State Penitentiary states: ". . . in view of his escape from Rockview, should at least complete the minimum sentences imposed by the courts, which will not expire until July 30, 1944." The trial judge, the Honorable M. Ward Fleming, of Centre County, was not opposed to the granting of clemency. The trial judge, the Honorable Howard W. Hughes, of Washington County, is non-committal. The district attorney, James C. Bane, Esquire, was opposed to the granting of clemency. The district attorney, M. W. Gettig, Esquire, was not opposed to the granting of clemency. The investigation of the Board of Pardons indicates that this applicant was unquestionably guilty of the crimes for which he was sentenced. The conduct of the applicant has been excellent, besides the escape, and he is at present employed in the Penitentiary Weave Shop. The Board of Pardons is of the opinion that this applicant who had no previous record has been sufficiently punished and that in the future he will not transgress the law. He has been assured employment in Wisconsin, in which State he will reside with his mother. His mother operates a farm near New London, Wisconsin.

The Board is of the opinion that this applicant is ready for release, and therefore, recommends that his sentence be commuted. The applicant will have served 8 years, 6 months and 4 days of his minimum sentence, and will be under the supervision of the Board of Pardons until January 1, 1952.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles Elmer Ward, B-2912, No. 4661, December Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Elmer Ward, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County on October 21, 1931 be commuted from 4 years to 11 months expiring on January 23, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of assault with intent to rob and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Washington County to imprisonment in the Western State Penitentiary for from 4 to 8 years on the 23d day of February, 1931. He escaped from the Western State Penitentiary and was apprehended and sentenced by the Quarter Sessions Court of Centre County on the 31st day of October, 1931, for from 4 to 8 years, sentence to begin at the expiration of the unexpired term of original sentence.

The Board of Trustees of the Western State Penitentiary states: ". . . if this inmate were eligible to apply for parole, we would probably conditionally recommend him for parole subject to proper parole plan (1) has now served almost 8 years, 10 months, which is 10 months over his combined minimum sentences (2) institutional record during past 3 years has been satisfactory (3) and his attitude has greatly improved." The trial judge, the Honorable Howard W. Hughes of Washington County, did not reply to our letter of inquiry. The district attorney of Washington County, James C. Bane, Esquire, states: ". . . due to the length of time that this applicant has served and due to his age we believe that he has been sufficiently punished and will therefore offer no objection to his application for clemency." The trial judge of Centre County, the Honorable M. Ward Fleming, states: ". . . being informed that Mr. Ward has completed his maximum sentence of eight (8) years on the Washington County charge, I beg to say that I have no reason to oppose his present application and would recommend that he be pardoned." The investigation of the Board of Pardons indicates that this applicant was unquestionably guilty of the crimes for which he was sentenced. His escape from Rockview was occasioned by reason of the illness of his wife, who was about to give birth to a child. The applicant has a minor criminal record and his conduct in the pentitentiary, except for the escape, has been good. He is employed in the Penitentiary Tag Department.

The Board of Pardons is of the opinion that further incarceration of this applicant would serve no good purpose. He has been assured employment by the W. J. Rainey Coal Company and he will be under the sponsorship of Mr. Charles Gould of Greene County. He will reside near the place of his employment in Greene County. The applicant has served 8 years, 11 months and 1 day, expiring January 23, 1940. He will be under the supervision of the Board of Pardons until February 23, 1947.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Patrick J. Carney, B-2236, No. 2361, January Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Patrick J. Carney, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on

September 26, 1930 be commuted from 10 years to 9 years, 5 months expiring on February 26, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Allegheny County for from 10 to 20 years in the Western State Penitentiary on the 26th day of September, 1930.

The Board of Trustees of the Western State Penitentiary states: ". . . if this inmate were eligible to apply for parole, we would probably conditionally recommend him for parole subject to a very favorable parole plan (1) has served almost 9 years, 3 months with a satisfactory institutional record." The trial judge, the Honorable William A. McConnell, did not reply to our letter of inquiry. The assistant district attorney, Ralph Bell, Esquire, stated that he had no objection to the release of the applicant; provided there was some assurance that he had been cured of the drug habit.

The investigation of the Board of Pardons reveals that this applicant who is now 42 years of age has had a criminal record extending over some years. His conduct in the penitentiary has been excellent. Before his imprisonment he was a drug addict. The examination of the applicant by Dr. John I. Wiseman, of the Torrance State Hospital, is as follows: ". . . I feel, therefore, in reporting on this case that he is cured of his drug habituation and is apparently sincere in his desire not to return to its use, but with an impaired intellect and with a history of having been a confirmed narcotic addict over a number of years, he will require careful supervision and encouragement in whatever community to which he returns." The applicant will be employed by Mr. John McCabe, Funeral Director, Pittsburgh, and he will be under the sponsorship of Alderman William McCoole, Pittsburgh. He will reside with his mother in Pittsburgh. The Board is of the opinion that this applicant has almost served his minimum sentence and that if cured of the drug habit, there is every likelihood of his living a law-abiding life. The applicant has served 9 years, 5 months of his minimum sentence, and will be under the supervision of the Board of Pardons until September 26, 1950.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John F. Donovan, No. 4736, January Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John F. Donovan, convicted of robbery in the Court of Oyer and Terminer of Delaware County on September 8, 1938, to be computed from August 31, 1938, be commuted from 2 years to 1 year, 6 months expiring on February 29, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Delaware County to pay a fine of $100.00 and to imprisonment in the Delaware County Prison for from 2 to 5 years on the 8th day of September, 1938, to be computed from August 31, 1938.

The trial judge, the Honorable John M. Broomall, 3d, stated that clemency is a matter of which the Board must determine without recommendation pro or con by the Court. The assistant district attorney, Guy DeFuria, Esquire, was not opposed to the granting of the application, provided that the applicant serve at least 18 months of his minimum sentence. The investigation of the Board of Pardons indicates that this applicant was 26 years of age, and that he had held up spooners and robbed them of small sums of money. This crime arose from over indulgence of liquor. The applicant has no previous record, and it is believed that the sentence he received will prove a severe lesson and that he will not break the law in the future. The applicant will be employed by Mr. Harry McCarthy, Llanerch, Pennsylvania, and will reside with his wife in the same community.

The Board, therefore, recommends that his sentence be commuted. He will have served 18 months of his minimum sentence, and will be under the supervision of the probation department of Delaware County until September 8, 1943.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Anthony Ferraro, B-5708, No. 4593, January Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Anthony Ferraro, convicted of robbery, in the Oyer and Terminer Court of Allegheny County, on the 2d day of September, 1937, to be computed from August 20, 1937, be commuted on Bill No. 179 from a minimum of 5 years to a minimum of 2 years, 6 months, expiring on February 20, 1940, and a maximum of 10 years; and on Bill No. 185 from a minimum of 5 years to a minimum of 1 day, expiring on February 21, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Allegheny County for from 10 to 20 years in the Western State Penitentiary on the 2d day of September, 1937. This sentence to be computed from August 20, 1937.

The Board of Trustees of the Western State Penitentiary states: ". . . if this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first imprisonment (2) very good institutional record." The trial judge, the Honorable Elder W. Marshall, states: ". . . it now appears that Anthony has served approximately two and one-half years, has an Italian priest who will act as his sponsor and also has promise of employment with a reputable landscape gardener. In view of his youth and the length of time he has been confined, I believe his application at this time is proper, subject to the one condition that the prison authorities report favorably on his conduct and attitude while confined and also recommend his release at this time." The assistant district attorney, Ralph Bell, Esquire, stated that he had no objection to the release of the prisoner, provided the trial judge was of the same opinion. The investigation of the Board of Pardons indicates that this applicant was about 16 years of age when he with a group of boys of his own age were involved in a series of robberies. Two of the accomplices are still confined, but are older in years than the applicant. This applicant is a young

Italian boy and lived in slum environment and his first real chance in life has been since his incarceration in the Western State Penitentiary. He has an excellent conduct record in the penitentiary, and has been regularly employed during his incarceration. The applicant has been assured steady employment by Mr. Samuel Piccolino, Pittsburgh, as a laborer. Mr. Piccolino owns a well established landscape gardening business. He will be under the sponsorship of Reverend Viola, Pastor of the Lady of Help Church, and it is the opinion of the Board that the Reverend Viola will prove to be an excellent sponsor. The applicant will reside with his parents in Pittsburg.

The Board, therefore, recommends that his sentence be commuted. He will have served 2 years and 6 months of his minimum sentence, and will be under the supervision of the Board of Pardons until August 20, 1957.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Paul Gudenburr, B-2607, No. 3794, January Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Paul Gudenburr, convicted of robbery, in the Oyer and Terminer Court of Allegheny County, on April 16, 1931, be commuted on Bill No. 16 from a minimum of 10 years to a minimum of 8 years, 10 months, expiring on February 16, 1940, and a maximum of 20 years; and on Bill No. 13 from a minimum of 5 years to a minimum of 1 day, expiring on February 17, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Allegheny for from 15 to 60 years in the Western State Penitentiary on the 16th day of April, 1931.

The Board of Trustees of the Western State Penitentiary states: ". . . if this inmate were eligible to apply for parole, we would probably recommend him for parole (1) first major conviction (2) excellent institutional record (3) has served 8 years, 9 months, (4) all accomplices have been released." The trial judge, the Honorable George V. Moore, did not reply to our letter of inquiry. The assistant district attorney, Ralph Bell, Esquire, stated that he was not opposed to the granting of the application. The investigation of the Board of Pardons reveals the applicant was unquestionably guilty of the crime for which he was convicted. The five accomplices of the applicant, have all been released from the penitentiary by a commutation of their sentences. The applicant has conducted himself in a satisfactory manner, and has made some efforts of rehabitation. The applicant is offered employment by the W. F. Trimble & Sons Co., Pittsburgh, Pennsylvania, when business conditions improve. He will reside with his mother in Pittsburgh. The applicant has served nearly 9 years of his minimum sentence, and the Board is of the opinion that he will not violate the law in the future.

The Board, therefore, recommends that his minimum sentence be commuted. He will have served 8 years, 10 months of his minimum sentence, expiring February 16, 1940. He will be under the supervision of the Board of Pardons until February 16, 1980.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Edward Hardwick, C-5922, No. 3015, January Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Edward Hardwick, convicted of robbery, being armed with an offensive weapon, in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County, on February 5, 1930, be commuted on Bill No. 1666 from a minimum of 3 years to a minimum of 1 day, expiring on February 6, 1940, and on Bill No. 1668 from a minimum of 4 years to a minimum of 1 day, expiring on February 7, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the

Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Josh Harmon, C-4833, No. 3479, January Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Josh Harmon, convicted of larceny of an automobile in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 26, 1928 be commuted from 10 years to 7 years, 8 months and 29 days expiring on February 3, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of larceny of an automobile and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 5 to 10 years in the Eastern State Penitentiary on the 26th day of September, 1928. He was released on parole on the 25th day of October, 1933. The applicant was sentenced by the Quarter Sessions Court of Philadelphia County on the 3rd day of December, 1936, for carrying concealed deadly weapons to 6 months in the Philadelphia County Prison. He was returned as a parole violator to the Eastern State Penitentiary on June 3, 1937.

The Board of Trustees of the Eastern State Penitentiary states that his institutional record is satisfactory and that he has proved to be a good worker in the institution. The trial judge, the Honorable Harry S. McDevitt, states: ". . . there is nothing in his conduct that justifies restoring your confidence, and while I have no objection to any action you see fit to take, I can offer no recommendation." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he has served both of his minimum terms on the two sentences, and he had no objection to his release. The investigation of the Board of Pardons indicates that this applicant has a minor criminal record and that he has served over 3 years for his parole violation. The Supervisor of Paroles stated that he had no objection to a favorable consideration of the application. The applicant is not assured of employment, nor are his home conditions the most ideal. However, the Board believes that this applicant has received a salutary lesson which will prevent him from violating the law. The applicant will have served 7 years, 8 months and 29 days of his maximum sentence, and will be under the supervision of the Board of Pardons until May 4, 1942.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of David Herron Lewis, No. 1562, January Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that David Herron Lewis, convicted of robbery in the Court of Oyer and Terminer of Westmoreland County, on September 8, 1932, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer Court of Westmoreland County for from 5 to 20 years in the Western State Penitentiary on the 8th day of September, 1932. The sentence of the applicant was commuted by the Governor and he was released on parole July 16, 1935.

The Board of Trustees of the Western State Penitentiary states: ". . . this applicant was released on parole on July 16, 1935, after his minimum sentence had been commuted by the Governor on recommendation of the Board of Pardons." The trial judge, the Honorable Charles D. Copeland, did not reply to our letter of inquiry. The district attorney, Charles D. Copeland, Jr., Esquire, stated that he would rely upon the Board and had no recommendation to make. The investigation of the Board of Pardons indicates that the applicant had no previous record prior to his conviction in 1932. He, at present, is residing in Hayden, Kentucky, where he is engaged in business for himself as a building contractor. He is asking for a full pardon so that he may be restored to the full right of citizenship. The State of Kentucky, Act of 1892, Chapter 65, Page 106, Article 1, Section 3, provides that one convicted of a crime is not eligible to vote. The applicant is anxious to have this disability removed. The citizens of Kentucky, who are acquainted with the applicant, speak very highly of his good behaviour and business ability. The files contain likewise recommendations from prominent citizens of his community.

The Board, therefore, recommends that a full pardon be granted the applicant believing that it will in part remove the stigma of the crime and be of material assistance to his advancement.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Milton K. North, No. 4493, January Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Milton K. North, convicted of robbery in the Court of Oyer and Terminer of Delaware County on September 8, 1938, to be computed from August 31, 1938, be commuted from 21 months to 1 year, 6 months expiring on February 29, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced to pay a fine of $100.00 and to imprisonment in the Delaware County Prison for from 21 months to 5

years on the 8th day of September, 1938, sentence to be computed from August 31st, 1938.

The trial judge, the Honorable John M. Broomall, 3rd, stated that clemency is a matter of which the Board must determine without recommendation, pro or con, by the Court. The assistant district attorney, Guy DeFuria, Esquire, was not opposed to the granting of the application provided that the applicant serve at least 18 months of his minimum sentence. The investigation of the Board of Pardons indicates that this applicant was 25 years of age, and that he had held up spooners and robbed them of small sums of money. This crime arose from over indulgence of liquor. The applicant has no previous record and it is believed that the sentence he received will prove a severe lesson that he will not break the law in the future. The applicant will be employed by Headley's Express and Storage Company, Chester, Pennsylvania, as a truck driver, and he will reside with his parents and wife in Media, Pennsylvania.

The applicant will have served 18 months of his minimum sentence, and he will be under the supervision of the probation department of Delaware County until August 31, 1943.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of George Rogers, C-7927, No. 4719, January Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of George Rogers, convicted of false pretence in the Court of Quarter Sessions of Philadelphia County on July 12, 1938, be commuted from 2 years to 1 year, 2 months and 7 days, expiring on February 26, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of false pretence and was sentenced by the Quarter Sessions Court of Philadelphia County to pay a fine of $100.00 and to imprisonment for from 1 to 2 years in the Philadelphia County Prison on the 12th day of July, 1938. He was released on parole on the 22d day of November, 1938, on condition that he leave the city. The applicant violated his parole and was returned to imprisonment in the Philadelphia County Prison on the 26th day of May, 1939.

The trial judge, the Honorable James C. Crumlish, stated: ". . . that he is of the opinion that before any consideration is given to this applicant that your Honorable Board direct a thorough inquiry as to the truthfulness of the statements averred in his petition, after which he leaves the matter entirely to the discretion of your Honorable Board." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection of the release of the prisoner, provided he leave the jurisdiction. The investigation of the Board of Pardons indicates that this applicant is 73 years of age, and has been involved in many schemes to defraud the public. His wife is in very poor health and assured the Board she would remove to her home in Colorado, having sold her jewelry and furniture to obtain the necessary funds. The advanced years of the applicant, likewise, suggested to the Board that under the supervision of his wife's people the applicant may conduct himself in a law-abiding manner.

The Board, therefore, recommends that his sentence be commuted provided he removes himself from this jurisdiction. The applicant has actually served in the Philadelphia County Prison 1 year, 2 months and 7 days of his maximum sentence, and will be under the supervision of the probation officer of Philadelphia County until December 19, 1940, or 9 months and 23 days, which will complete the maximum sentence imposed.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Felix Colavito, No. 4752, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Felix Colavito, convicted of assault and battery by auto and unlawful possession of liquor in the Court of Quarter Sessions of Philadelphia County, on December 8, 1930, and January 11, 1933, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead nolle contendere for the crime of assault and battery by auto on December 8, 1930, by the Quarter Sessions Court of Philadelphia, and was sentenced to pay a fine of $100.00 and costs of prosecution. There was no sentence of imprisonment. The applicant plead nolle contendere to the crime of unlawful possession of liquor and was sentenced by the Quarter Sessions Court of Philadelphia County to pay a fine of $50.00 and costs of prosecution on January 11, 1933. There was no sentence of imprisonment.

The trial judges in both cases did not reply to our letter of inquiry relative to the merits of the application. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he was not opposed to the granting of the petition. The Supervisor of Paroles, Mr. Thomas T. Taylor, likewise did not oppose the granting of the petition. The applicant has conducted himself since 1932 in a satisfactory manner and the investigation of the Board of Pardons indicates that he holds the respect of his acquaintances in his neighborhood. He has been steadily employed by the S. Abrahams Company, Philadelphia, for many years. He resides with his wife in a comfortable home in Philadelphia.

The Board of Pardons is of the opinion that this applicant has demonstrated his intention to live a law-abiding life and there is every reason to believe that he will conduct himself in a proper and lawful manner for the rest of his days. The Board, therefore, recommends that a full pardon be granted the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Nich Dubish, B-2297, No. 1792, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Nick Dubish, convicted of burglary, larceny, in the Oyer and Terminer Court of Allegheny County, on January 17, 1930, and of breaking and escaping penitentiary, in the Quarter Sessions Court of Centre County, on October 29, 1930, be commuted on Bill No. 96 from a minimum of 5 years to a minimum of 2 months, expiring on March 29, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sen- that sentence, and if no recommendation for parole was tences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant v. The Board of Trustees of the Eastern State Penitentiary).

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of after, the prisoner is required to serve the full sentence. Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

BOARD OF PARDONS

In re application of Francis Joseph Flynn, C-6805, No. 85, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Francis Joseph Flynn, convicted of breaking and escaping penitentiary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on March 8, 1924, to begin February 7, 1931, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of burglary and was sentenced by the Quarter Sessions Court of Chester County for from 9 to 10 years in the Eastern State Penitentiary on the 5th day of November, 1923, and was sentenced by the Quarter Sessions Court of Philadelphia County for breaking and escaping penitentiary to the Eastern State Penitentiary for from 9 to 10 years on the 8th day of March, 1924, sentence to begin at the expiration of the original sentence of 1921. The applicant was paroled by reason of commutation of his sentence on May 30, 1931, and was released on parole on June 24, 1931.

The trial judges of both Chester and Philadelphia Counties did not reply to our letters of inquiry as to the merits of the application. The district attorney of Chester County expressed no objection in this application and the assistant district attorney, James W. Tracey, Jr., Esquire, of Philadelphia County, stated that he had no objection to granting of the application as he had served the sentence imposed by Philadelphia County. The Supervisor of Paroles, Mr. Thomas T. Taylor, stated he had no objection to further clemency being granted to the applicant. The investigation of the Board of Pardons indicates that this applicant had a criminal record prior to 1921, but since his release in June, 1931 he has conducted himself in a very satisfactory manner. The Parole Office states that he has been a model parolee, and that he has been steadily employed, with few interruptions, since his release. For the past several years he has been employed by the Bureau of Sanitation in the City of Philadelphia. The applicant is married and resides with his three year old daughter in Philadelphia under comfortable surroundings.

The Board of Pardons is of the opinion that this applicant who for the past 9 years has lived a law-abiding life and is worthy in having a full pardon bestowed upon him. It is the applicant's intention to apply for the position of a foreman with his employer. The Board, therefore, recommends that a full pardon be granted.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Harry Herr, B-2133, No. 1718, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Harry Herr, convicted of blackmailing and extortion, in the Quarter Sessions Court of Clearfield County, on April 16, 1928; and of breaking and escaping penitentiary, in the Quarter Sessions Court of Centre County, on July 22, 1930, be commuted on Bill No.

42 from a minimum of 5 years to a minimum of 1 year, 10 months, expiring on March 8, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sen- that sentence, and if no recommendation for parole was tences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant v. The Board of Trustees of the Eastern State Penitentiary).

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of after, the prisoner is required to serve the full sentence. Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Charles Jazukiewicz, C-5783, No. 1057, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Jazukiewicz, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 9, 1929 be commuted from 10 years to 3 months expiring on March 9, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 20 to 40 years in the Eastern State Penitentiary on the 9th day of December, 1929. He was granted parole on Bill No. 147 in December 1939, in order to start serving sentence on Bill No. 148.

The Board of Trustees of the Eastern State Penitentiary states the applicant has a satisfactory conduct record that he has been employed in the knit shop for the past ten years. He has likewise attempted to improve himself by attending the prison school. The trial judge, the Honorable Howard A. Davis, stated that he was opposed to clemency. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection of the granting of the petition. The investigation of the Board of Pardons indicates that this applicant was unquestionably guilty of the crime for which he was sentenced. His accomplices in this crime received county prison sentences. This applicant was sentenced to the penitentiary, although, this was his first conviction. The applicant has demonstrated his determination to forsake criminal ways and become a useful citizen. The applicant has served well over half of his minimum term. The Board has been assured that employment will be offered to this applicant upon his release. He will be under the sponsorship of Mr. Alfred Harries of the Pennsylvania Prison Society. He will reside with his mother in her home in Camden, New Jersey.

The Board is of the opinion that this applicant is ready for release and with the assurance of employment and the excellent sponsorship there is every reason to believe that he will conduct himself in the future as a law-abiding citizen. The applicant will be under the supervision of the Board of Pardons until December 9, 1959.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Clement V. Matthews, C-9223, No. 3360, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Clement V. Matthews, convicted of conspiracy to enter and steal, burglary, conspiracy to commit burglary, carrying concealed deadly weapons in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 27, 1933, be commuted on Bill No. 1134 from a minimum of 5 years to a minimum of 1 year, 6 months, expiring on March 27, 1940, and a maximum of 10 years, on Bill No. 1135 from a minimum of 1½ years to a minimum of 1 day, expiring on March 28, 1940, on Bill No. 1136 from a minimum of 1 year to a minimum of 1 day, expiring on March 29, 1940, and on Bill No. 1137 from a minimum of 1 year to a minimum of 1 day, expiring on March 30, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of conspiracy to enter and steal, burglary, conspiracy to commit burglary,

carrying concealed deadly weapons and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 13½ to 27 years in the Eastern State Penitentiary on the 27th day of September, 1933.

The Board of Trustees of the Eastern State Penitentiary states that the applicant conduct record is satisfactory and that he has maintained a good attitude. He has been employed in the knit shop during his incarceration. The trial judge, the Honorable Harry S. McDevitt, stated: ". . . the only excuse this man offers for his conduct, is his need of money. Personally I think he should be required to serve enough time to show a disposition to improve himself." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that in his opinion the applicant has been severely punished and offers no objection in the granting of the petition. The investigation of the Board of Pardons indicates that this applicant had two arrests for minor ocenses, for which he was discharged prior to his commitment in 1933. The accomplices of the applicant, three in number, have all been released. The applicant will be under the sponsorship of Mr. Herbert L. Nelke, Philadelphia, who assured our agent that he will give careful supervision to the applicant. The applicant will reside with his mother in Philadelphia, under most favorable living conditions. The Board was informed that there is every hope of his being employed as an automobile mechanic.

The Board is of the opinion that this applicant has been severely punished, and there is every likelihood under the proper sponsorship and employment he will live a law-abiding life. The Board, therefore, recommends that a commutation be granted. The applicant will have served 6 years and 6 months of his minimum sentence, and will be under the supervision of the Board of Pardons until September 27, 1948.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES.
Governor.

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BOARD OF PARDONS

In re application of J. S. Morrow, B-2296, No. 133-A, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on J. S. Morrow, convicted of robbery, attempted robbery, in the Oyer and Terminer Court of Allegheny County on February 13, 1930, and of breaking and escaping penitentiary, in the Quarter Sessions Court of Centre County, on October 29, 1930, be commuted on Bill No. 94 from a minimum of 2½ years to a minimum of 1 year, 1 month, expiring on March 25, 1940

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant v. The Board of Trustees of the Eastern State Penitentiary).

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Emanuel O. Munzer, No. 4755, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Emanuel O. Munzer, convicted of larceny, larceny by bailee and fraudulent conversion in the Court of Quarter Sessions of Philadelphia County, on July 10, 1939, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of larceny, larceny by bailee and fraudulent conversion and was sentenced by the Quarter Sessions Court of Philadelphia County to pay a fine of $5,000.00, and placed on probation for a period of one year on the 10th day of July, 1939.

The trial judge, the Honorable James Gay Gordon, did not reply to our letter of inquiry. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that he had no objection to the granting of the petition and felt that the applicant should not have been brought into the criminal courts. The investigation of the Board of Pardons indicates that this was a matter of stock transfer between stock holders of an automobile finance company. The matter was one of civil suit and not of criminal nature.

The applicant is an accountant and has his office in the

City Center Building, Philadelphia, Pennsylvania. He bears a very excellent reputation and is held in high regards by his acquaintances. Our agent reports that he is a business man of exceptional means and presents a striking example of good character. The applicant has no prior criminal record and he always conducted himself as a law-abiding citizen. The applicant is married and has one son and they reside in a comfortable home in Philadelphia.

The Board, therefore, recommends that this petition be granted and a full pardon be extended to the applicant.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Richard E. Norman, B-2309, No. 4448. February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Richard E. Norman, convicted of entering a building, in the Quarter Sessions Court of Allegheny County, on June 21, 1928, and of breaking and escaping penitentiary, in the Quarter Sessions Court of Centre County, on November 10, 1930, be commuted on Bill No. 103 from a minimum of 3 years to a minimum of 1 year, 7 months, 29 days, expiring on March 2, 1940, and on Bill No. 4 from a minimum of 3 years to a minimum of 1 day, expiring on March, 3, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sen- that sentence, and if no recommendation for parole was tences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant v. The Board of Trustees of the Eastern State Penitentiary).

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of after, the prisoner is required to serve the full sentence. Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Michael Scarpino, B-4409, No. 3495, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Michael Scarpino, convicted of robbery, in the Court of Oyer and Terminer, in Allegheny County, on November 22, 1934, be commuted on Bill No. 33 from a minimum of 2½ years to a minimum of 4 months, expiring on March 22, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not

all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of John Smith, D-476, No. 129-A, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on John Smith, convicted of breaking and entering, larceny, receiving stolen goods, malicious mischief, in the Court of Oyer and Terminer and Quarter Sessions, in Delaware County, on March 15, 1935, sentence to be computed from March 7, 1935, be commuted on Bill No. 13 from a minimum of 2½ years to 1 day, expiring on March 8, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor

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BOARD OF PARDONS

In re application of John L. Sullivan, B-3459, No. 132-A, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on John L. Sullivan, convicted of breaking and entering, larceny, receiving stolen goods, in the Oyer and Terminer Court of Somerset County, on the 28th day of August, 1929, and of breaking and escaping penitentiary, in the Quarter Sessions Court of Centre County, on November 26, 1932, be commuted on Bill No. 23 from a minimum of 1 year to a minimum of 1 month, 28 days, expiring on March 11, 1940; on Bill No. 24 from a minimum of 1 year to a minimum of 1 day, expiring on March 12, 1940; on Bill No. 127 from a minimum of 1 year to a minimum of 1 day, expiring on March 13, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant v. The Board of Trustees of the Eastern State Penitentiary).

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much

longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of James Teale, C-9841, No. 4735, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Teale, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on July 19, 1934, be commuted from 10 years to 5 years, 8 months expiring on March 19, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of murder in the second degree and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County for from 10 to 20 years in the Eastern State Penitentiary on the 19th day of July, 1934.

The Board of Trustees of the Eastern State Penitentiary states the applicant has a satisfactory institutional record and has been employed in the kitchen department during the time of his incarceration. He has attempted to improve himself by taking a course of studies in the prison school and has made good progress.

The trial judge, the Honorable J. Frank Graff, stated: ". . . I will have no objection to anything which may seem best to the Board to do." The assistant district attorney, James W. Tracey, Jr., Esquire, stated that this application was the subject of a special investigation by County Detective, James A. McColgan, and the report of the detective indicates that this applicant refused to join a group of racketeers in the conduct of a gambling establishment. The victim came into the store of the applicant and by unlawful means attempted to compel the applicant to join in with the group. The applicant in order to defend himself shot and killed the victim. The assistant district attorney personally expressed himself as believing that this man deserved a pardon. The investigation of the Philadelphia Detective Bureau relative to the reputation of the applicant prior to this offense, for good behavior and law-abiding life, was confirmed by our agent. It is the opinion of the Board of Pardons that this applicant in resisting participation in an illegal venture, under threats of bodily harm, was justified in defending himself and therefore, recommends the sentence be commuted. The applicant will have served 5 years and 8 months of his minimum sentence, and will be under the supervision of the Board of Pardons until July 19, 1954.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of James Thomas, B-3778, No. 3989, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on James Thomas, convicted of burglary, in the Oyer and Terminer Court of Washington, on June 4, 1932; and of breaking and escaping penitentiary, in the Quarter Sessions Court of Centre County, on July 22, 1933, be commuted on Bill No. 78 from a minimum of 3½ years to a minimum of 10 months, expiring on April 24, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant v. The Board of Trustees of the Eastern State Penitentiary.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Vincent Velock, B-3870, No. 131-A, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Vincent Velock, convicted of entering with intent to steal, larceny, in the Quarter Sessions Court of Blair County, on June 3, 1931, and of breaking and escaping penitentiary, in the Over and Terminer Court of Centre County, on November 2, 1933, be commuted on Bill No. 128 from a minimum of 2½ years to a minimum of 1 year, 7 months, expiring on April 7, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

---

BOARD OF PARDONS

In re application of Joseph W. Weicht, B-4601, No. 4518, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Joseph W. Weicht, convicted of Breaking and entering, larceny, in the Quarter Sessions Court of Bedford County, on March 18, 1935, and of breaking and escaping penitentiary, in the Quarter Sessions Court of Centre County, on July 15, 1935, be commuted on Bill No. 49 from a minimum of 2 years to a minimum of 1 year, expiring on March 25, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant v. The Board of Trustees of the Eastern State Penitentiary.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice

that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

---

BOARD OF PARDONS

In re application of Joe Williams, B-3477, No. 130-A, February Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Joe Williams, convicted of burglary, in the Quarter Sessions Court of Erie County, on February 12, 1926; and of breaking and escaping penitentiary, in the Oyer and Terminer and Quarter Sessions Court of Centre County, on December 10, 1932, be commuted on Bill No. 53 from a minimum of 3 years to a minimum of 1 year, 6 months, expiring on April 27, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant v. The Board of Trustees of the Eastern State Penitentiary.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of George Calhoun, C-7833, B-6607, No. 3391, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of George Calhoun, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 8, 1932, be commuted on Bill No. 1650 from a maximum of 15 years to a minimum of 8 years, 1 month, expiring on April 8, 1940, and a maximum of 15 years, and on Bill No. 1651 from a minimum of 5 years to a minimum of 1 day, expiring on April 9, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County to a term of imprisonment in the Eastern State Penitentiary for from 10 to 30 years on March 8, 1932.

The Board of Trustees of the Eastern State Penitentiary reports that this man's conduct record is satisfactory and he has maintained a co-operative attitude. He is clean and neat about his person and cell and associates with the better type of inmates. He is employed in the mail office and is considered to be a good worker.

The trial judge, the Honorable Harry S. McDevitt, states that he has no objection to the granting of clemency in this petition. The assistant district attorney, James W. Tracey, Jr., Esquire, states that the district attorney's office has no objection to the granting of clemency. The investigation of the Board of Pardons reveals that applicant, with an accomplice, were involved in a series of robberies, being armed with an offensive weapon, entering with intent to commit a felony. The applicant was approximately 19 years of age at the time of the offense, and it is believed the present confinement has proved to be a salutary lesson to him. Employment has been obtained for the applicant in the event of his release.

The Board of Pardons is of the opinion that this young man will not return to the field of crime, and therefore, recommends that his sentence be commuted. He will have served 8 years and 1 month of his sentence, expiring on April 9, 1940, and will be under the supervision of the Board of Pardons until April 9, 1955.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.

WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Harry A. Florey, D-1316, No. 941, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Harry A. Florey, convicted of breaking and escaping penitentiary in the Court of Quarter Sessions of Centre County on September 12, 1927, be commuted from 9 years, 4 months and 17 days, to a minimum of 4 months, expiring on April 4, 1940, and a maximum of 9 years, 4 months and 17 days. This sentence to begin at the expiration of sentence imposed May 10, 1926.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of breaking and escaping penitentiary and was sentenced by the Quarter Sessions Court of Centre to a term of imprisonment in the Eastern State Penitentiary for from 5 to 10 years on September 12, 1927. Sentence to begin at the expiration of a sentence imposed May 10, 1926. On December 21, 1936, the applicant was granted a commutation of this sentence by the Board of Pardons, and was released on parole December 23, 1936.

On December 4, 1939, applicant plead guilty to the crime of driving an automobile while under the influence of intoxicating liquor and was sentenced by the Quarter Sessions Court of Monroe County to pay a fine of $100.00, and Costs of prosecution. Because of this conviction the applicant violated his parole and was committed to the Monroe County Prison to serve his unexpired parole period, or 9 years, 4 months and 17 days. The application submitted in this case is to place the applicant on re-parole.

The trial judge, the Honorable Samuel E. Shull, has addressed the Board and stated that clemency should be granted. The district attorney stated that he had no objection to the granting of clemency. The Supervisor of Paroles feels the period of time that he would be required to serve because of his violation is all out of proportion to the crime committed.

It is the opinion of the Board that this young man because of his prior parole history will not return to the field of crime, and therefore, recommends that his sentence be again commuted to a new minimum term of 4 months, expiring on April 4, 1940, and that he be on parole until April 21, 1949.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Joseph Haas, B-1667, No. 4655, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on Joseph Haas, convicted of larceny, abortion, receiving stolen goods, forgery, in the Court of Quarter Sessions of Allegheny County, on October 28, 1929, be commuted on Bill No. 303 from a minimum of 1 year to a minimum of 3 months, 26 days, expiring on Feb. 24, 1940, on Bill No. 304 from a minimum of 1 year to a minimum of 1 day, expiring on Feb. 25, 1940, on Bill No. 305 from a minimum of 1 year to a 1 day, expiring on Feb. 26, 1940, on Bill No. 306 from a minimum of 1 year to a minimum of 1 day, expiring on Feb. 27, 1940, on Bill No. 307 (Bills Nos. 308, 309 and 310 concurrent) from a minimum of 1 year to a minimum of 1 day, expiring on Feb. 28, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
Not Sitting
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

## BOARD OF PARDONS

In re application of Michael Hamerick, C-9119, No. 3459, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Michael Hamerick, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County on July 15, 1933, be commuted from 5 years to 1 year, 9 months, expiring on April 15, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery in the Oyer and Terminer and Quarter Sessions Court of Lackawanna County and was sentenced to imprisonment in the Eastern State Penitentiary for from 10 to 20 years on July 15, 1933. The applicant was granted parole on Bill No. 15.

The Board of Trustees of the Eastern State Penitentiary reports this man's conduct record is satisfactory and that improvement has been noted in his attitude. He is clean and neat about his person and cell. He associates only with the men he works with.

The trial judge and the district attorney did not reply to our letters of inquiry. The investigation of the Board of Pardons indicates that this applicant is guilty to a series of robberies and that he with two other accomplices were sentenced to the Eastern State Penitentiary. The sentences of the accomplices in this case have both been commuted.

It appears that this young man became involved in these robberies after he had been released on parole from the Pennsylvania State Industrial School and had completed a satisfactory period on parole.

The Board of Pardons is of the opinion that this applicant has been sufficiently punished and he has served over 6 years and 9 months of his minimum sentence on April 15, 1940. The Board, therefore, recommends that his sentence be commuted. He will be under the supervision of the Board of Pardons until July 15, 1948.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of Joseph H. Hoyler, No. 4780, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Joseph H. Hoyler, convicted of driving an automobile while under the influence of intoxicating liquor in the Court of Quarter Sessions of Philadelphia County, on January 6, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of driving an automobile while under the influence of intoxicating liquor and was sentenced to pay a fine of $25.00 and payment of costs in the Quarter Sessions Court of Philadelphia, on January 6, 1938. The sentence of the Court was complied with on January 14, 1938.

The trial judge, the Honorable John E. Walsh did not reply to our letter of inquiry. The assistant district attorney, James W. Tracey, Jr., Esquire, did not object to the granting of the petition. The investigation of the Board of Pardons indicates that on November 7, 1937, at about 4:55 a. m., while operating his car in the City of Philadelphia, he was driving westwardly on Girard Avenue, and when he reached the intersection at Broad Street, he made a left-hand turn to go south on Broad Street, which he should not have done, and was arrested, and upon examination he was found to be under the influence of intoxicating liquor.

The applicant is now employed by the Crown Can Company, H Street and Erie Avenue, Philadelphia, and since his arrest he has conducted himself in an exemplary manner. Our investigation reports the applicant's reputation has been very good before and after his arrest. The applicant's purpose in praying for a pardon is to remove the stigma of the crime from himself and his family.

The Board, therefore, recommends that a full pardon be granted the applicant. It will remove part of the stigma of the crime from the applicant and his family and will be of material assistance to his advancement and progress in the business world.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of Nicholas Peter Katsapis, No. 4804, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Nicholas Peter Katsapis, convicted of receiving stolen goods in the Court of Quarter Sessions of Philadelphia County, on November 26, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of receiving stolen goods and was convicted in the Quarter Sessions Court of Philadelphia and sentenced to imprisonment in the Philadelphia County Prison for from 20 days to 5 years on November 26, 1937. Sentence to be computed from November 5, 1937. The applicant was paroled November 25, 1937.

The trial judge, the Honorable Harry S. McDevitt has advised the Board of Pardons he has no objection in the granting of this petition. The assistant district attorney, James W. Tracey, Jr., Esquire, appeared before the Board and stated that the district attorney's office has no objection in the granting of the petition.

The investigation of the Board of Pardons reveals that the applicant had purchased goods to the value of $15.00 from three boys from the age of 13 to 16 years. A investigation made by police revealed that the articles had been stolen from the Holmes Junior High School, 55th and Walnut Streets, in the City of Philadelphia. Applicant was 18 years of age at the time of the conviction in this case. Since his release on parole from the county prison the applicant has conducted himself in an exemplary manner. He has been continuously employed by the Greenbaum Brothers Shirt Factory, 58th and Market Streets, Philadelphia, as a stock clerk and earns $15.00 per week. The applicant desires a pardon because he wishes to join the United States Naval Reserve (aviation division), to which he has already applied for enlistment, has passed his examination and is now prohibited from enlisting because of the conviction which stands against him.

The Board, therefore, recommends a full pardon be granted to the applicant which will in part remove the stigma of the crime from the applicant and his family and will be of material assistance to his advancement and progress in the aviation pursuits.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of William Meyers, B-3421, No. 134-A, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of imprisonment imposed on William Meyers, convicted of breaking and entering and larceny, in the Oyer and Terminer Court of Beaver County on April 7, 1930; and of breaking and escaping penitentiary, in the Quarter Sessions Court of Centre County, on October 22, 1932, be commuted on Bill No. 41 November Sessions, 1932, from a 5 year minimum to a minimum of 1 day, expiring on May 14, 1940.

Our reasons for making this recommendation are as follows:

The applicant is one of many prisoners whose release on parole has been affected by the opinion of the Supreme Court in the case of Commonwealth of Pennsylvania ex rel. Thomas Lynch v. Stanley P. Ashe, Warden of the Western State Penitentiary, 320 Pa. 341. In this opinion it was held that unless a prisoner, who was serving sentences imposed to run consecutively, was recommended and approved for parole at the expiration of the first minimum sentence, he would be serving the maximum of that sentence, and if no recommendation for parole was made at the expiration of the second and subsequent minimum of sentences imposed to run consecutively, the prisoner would be serving the maximum of the second and subsequent sentences. In other words, a prisoner serving an indeterminate sentence is not automatically paroled at the expiration of the minimum term but is merely eligible for parole at that time, and if not favorably considered by the Prison Board at any time thereafter, the prisoner is required to serve the full sentence. (And also in the opinion of the Superior Court in the case of Anthony Narcise, Appellant v. The Board of Trustees of the Eastern State Penitentiary.

It was the custom for a long period of time for the officials of both the Eastern and Western State Penitentiaries to lump consecutive sentences and the Boards of Trustees would only make recommendations for release on parole at the expiration of the period of time equal to the total of the minimum sentences.

Since the Supreme Court held this procedure improper, the applicant and others, whose cases were not considered for parole at the expiration of their minimum sentences, through no fault of their own, will have to serve a much longer period of time than contemplated by the sentencing judge and the prison officials.

The failure of the Board of Trustees to make the necessary recommendations for parole at the expiration of the minimum sentences was an honest mistake, as most, if not all, sentencing judges shared the same view as the prison officials in deeming it to be unnecessary to make recommendations for parole at the expiration of the minimum of every consecutive sentence. Sentencing judges throughout the state have uniformly believed and taken into consideration in passing sentences the Prison Board practice that consecutive sentences would be lumped making a total minimum and a total maximum.

We believe that a great injustice would be done and that it would be most unfair to keep the applicant incarcerated for a longer period of time than recommended by the Board of Trustees of the institution in which the applicant is confined.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
Not Sitting
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of William John O'Hey, C-4713, No. 2348, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of William John O'Hey, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on July 17, 1928, be commuted on Bill No. 472 from a minimum of 10 years to a minimum of 1 year, 9 months, expiring on April 17, 1940, and a maximum of 20 years, and on Bill No. 473 from a minimum of 5 years to a minimum of 1 day, expiring on April 18, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County to a term of imprisonment in the Eastern State Penitentiary for from 25 to 50 years on July 17, 1928.

The Board of Trustees of the Eastern State Penitentiary reports that this man's previous record consists of three arrests, two of which involve stealing and one driving auto while intoxicated. He has maintained a good institutional record and he has a co-operative attitude. He is clean and neat about his person and cell, and he does not associate with any cliques or gangs in the institution. He has been employed for 7 years in the institution Tailor Shop. He has saved approximately $400.00 from his earnings and demonstrated definite habits of industry.

The trial judge, the Honorable Harry S. McDevitt, states: ". . . I think he will be a weakling all his life." The assistant district attorney, James W. Tracey, Jr., Esquire, states that his office have no objection to the granting of clemency if the Board of Pardons sees fit to do so in this case.

Definite employment has been obtained in this case, if the applicant is released. The investigation of the Board of Pardons reveals that the applicant, with an accomplice, plead guilty to a series of 14 robberies. The applicant was 22 years of age at the time of the conviction of these crimes. Because the applicant has taken advantage of the prison facilities, he is now in the position to earn his living as a tailor, if released. The Board of Pardons is of the opinion that this young man will not return to the field of crime, and therefore, recommends the granting of his petition. He will have served 11 years and 9 months of his sentence, expiring on April 17, 1940, and will be under the supervision of the Board of Pardons until July 17, 1958.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.

S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Francesco Polsinelli, D-1735, B-6181, No. 4346, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Francesco Polsinelli, convicted of voluntary manslaughter in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 20, 1936, to begin July 22, 1936, be commuted from 5 years to 3 years, 9 months, expiring on April 22, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of voluntary manslaughter and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County to a term of imprisonment in the Eastern State Penitentiary for from 5 to 12 years on November 20, 1936. Sentence to be computed from July 22, 1936.

The Board of Trustees of the Eastern State Penitentiary reports that the applicant was transferred to Rockview Farm Prison on June 24, 1938, and the Rockview authorities report that this man's conduct record is satisfactory. He is neat and clean about his person and cell and has maintained a co-operative attitude. He is employed on the farm and is considered to be good worker. He has saved approximately $89.00 and has sent $40.00 home for maintenance of his family. The applicant's previous record consists of three charges involving liquor and one charge for suspicious character. He was discharged on three arrests and placed on probation on one.

The trial judge, the Honorable Joseph L. Kun is opposed to the granting of clemency in this case. The assistant district attorney, James W. Tracey, Jr., Esquire, reports the attitude of the district attorney's office is that his office has always doubted whether one conviction was proper, that certainly a conviction for involuntary manslaughter would have been more in accord with the evidence.

The applicant has served 3 years which is the maximum penalty for in voluntary manslaughter, and therefore, his office offers no objection to the granting of clemency, but rather feel he has been sufficiently punished.

The investigation of the Board of Pardons reveals that the death in this case was the result of a blow struck by the applicant's fist as a result of a quarrel. The applicant was approximately 39 years of age at the time of the conviction of the crime and that we believe that the present conviction has been a salutary lesson to him. Employment has been obtained for the applicant with the Taylor Motor Company, in the event the applicant is released.

The Board of Pardons is of the opinion that this applicant will not return to the field of crime, and therefore, recommends that his sentence be commuted. He will have served 3 years, 9 months of his minimum term, expiring on April 22, 1940, and will be under the supervision of the Board of Pardons until July 27, 1948.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:
ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Stanley Robinson, D-3867, B-6864, No. 4797, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Stanley Robinson, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 24, 1939, to begin March 7, 1939, be commuted from 2½ years to 1 year, 1 month, expiring on April 7, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia to imprisonment in the Eastern State Penitentiary for from 2½ to 10 years on March 24, 1939. Sentence to begin March 7, 1939.

The Board of Trustees of the Eastern State Penitentiary report that the applicant was transferred to Rockview Prison on August 25, 1939, and that they have been advised by the Rockview authorities that he has maintained a satisfactory institutional record and is co-operative. That he is neat and clean about his person and cell and associates with a better class of inmates. He is employed in the bake shop and is considered to be a good worker.

The trial judge, the Honorable Joseph Sloane has advised the Board of Pardons that his sentence was not severe and he would rely on the Board. The assistant district attorney, James W. Tracey, Jr., Esquire, stated that the district attorney's office has felt considerable concern in this case. The applicant was 19 years of age at the time of the conviction of crime. Robinson did not strike the victim, rather he was under domination of one Cornelius Walsh who is now confined in the Eastern State Penitentiary by sentence imposed on March 24, 1939. Walsh was 28 years of age at the time the offense was committed. The district attorney's office feels the applicant has been sufficiently punished. Mr. Tracey said that as assistant district attorney he was not present to advocate applicant's release on parole nor to oppose it. The investigation of the Board of Pardons reveals that two accomplices were involved in the robberies of which James Shaw who was attacked when he got out of his car around seven P. M., to deposit some money in the bank located at Broad and Louden Streets, Philadelphia, Pennsylvania, the sum of $945 in cash and some checks were stolen. The applicant was arrested a short time later. That the applicant fully informed the police of his part and co-operated with thme in every way. He made restitution in the amount of $238, the balance of his share being returned by the applicant's mother. The applicant was 19 years old at the time of his commission of the crime and the Board believes that it is a salutary lesson to him.

The Board of Pardons believes he will not return to the field of crime, and therefore, recommends that his sentence be commuted. He will have served 1 year and 1 month of his minimum sentence, expiring on April 7, 1940, and will be under the supervision of the Board of Pardons until March 7, 1949.

Employment has been obtained for the applicant with the Doan and Calhoun Automobile Repair Shop, 4048 North 8th Street, Philadelphia, in the event he is released on parole.

Respectfully submitted,
S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.

WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Thomas Wm. Talbert Thompson, C-5513, No. 4549, March Session, 1939.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Thomas Wm. Talbert Thompson, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Fayette County on October 23, 1923 be commuted from life imprisonment to 16 years and 6 months expiring on April 23, 1940, and a maximum of life imprisonment, for deportation to Bahama Islands.

Our reasons for making this recommendation are as follows:

The applicant plead not guilty to the crime of murder in the first degree and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Fayette County on June 23, 1923 to death. On October 23, 1923, sentence was commuted by Governor Pinchot to life imprisonment in the Western State Penitentiary. July 30, 1929, applicant was transferred to the Eastern State Penitentiary.

The Board of Trustees of the Eastern State Penitentiary reports this man's record in the institution is not satisfactory. He associates with the worst type of inmates in the institution, however, he is clean and neat about his person and cell. The applicant's previous record consists of one arrest for train riding for which he was sentenced to the Allegheny County Workhouse. Applicant was originally sentenced to the Western State Penitentiary, but on July 30, 1929, was transferred to the Eastern State Penitentiary.

The Trial judge, the Honorable J. Q. VanSwearingen is deceased. The present judge, the Honorable S. John Morrow, states that he is not familiar with the facts of the case. The present district attorney, H. Vance Cottom, Esquire, states that he has no objection to the granting of the application, if deported. The applicant is a native of Bahama Islands, and he has expressed a desire to return to the land of his birth, if released.

The Board of Pardons is of the opinion that this applicant is ready for release and in view of the long period of confinement in this case, the Board, therefore, recommends that his sentence be commuted to a minimum term of 16 years, 6 months, expiring April 23, 1940, upon the condition that he be deported to the Bahama Islands, and shall never return to the United States.

The applicant will be under the supervision of the Board of Pardons for life.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of Albert Wall, C-8917, No. 4463, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentences of Albert Wall, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 5, 1933, be commuted on Bill No. 229 from a minimum of 3 years to a minimum of 1 year, 11 months, expiring on April 5, 1940, and a maximum of 15 years, and on Bill No. 231 from a minimum of 5 years to a minimum of 1 day, expiring on April 6, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of robbery, being armed with an offensive weapon in the Oyer and Terminer and Quarter Sessions Court of Philadelphia County and was sentenced to a term of imprisonment in the Eastern State Penitentiary for from 15 to 45 years on the 5th day of May, 1933.

The Board of Trustees of the Eastern State Penitentiary report that this man has a good conduct record and has maintained a co-operative attitude. He associates with the average type of inmates and is clean and neat about his person and cell. He completed a cell-study correspondence course in auto mechanics and received his International Correspondence School diploma. Has made good progress in his work. Has been employed in the Weave Shop and has learned part of the weaving trade. Applicant has worked as a weaver for a period of 5 years and is considered to be a reliable worker. The applicant's previous criminal record consists of three arrests and one conviction. Two involved larceny of auto and one suspicious character.

The trial judge, the Honorable Harry S. McDevitt, states the question now before the Board is whether he has been sufficiently punished. The assistant district attorney, James W. Tracey, Jr., Esquire, appeared before the Board and stated that the applicant in this case was serving a probationary period of 3 years, which had just about expired when the applicant became involved in the crime from which he seeks clemency, but the attitude of the district attorney's office is that they do not object to the granting of clemency. The applicant was 21 years of age at the time of the commission of these crimes. It is believed that the present confinement has proved a salutary lesson to him. Employment has been obtained for the applicant in the event he is released. Mr. Thomas Phillips, who conducts a restaurant at the N. W. corner of 8th and Race Streets, Philadelphia, has offered to employ him with a salary of $18.00 per week.

The Board of Pardons is of the opinion that this man has been sufficiently punished and will have served 6 years, 11 months of his sentence, expiring on April 5, 1940. The Board, therefore, recommends that his sentence be commuted. He will be under the supervision of the Board of Pardons until May 6, 1953.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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BOARD OF PARDONS

In re application of William Zappardino, D-1761, No. 4491, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Zappardino, convicted of assault, robbery, entering to commit felony, carrying concealed deadly

weapons in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 1, 1936, to begin November 25, 1936, be commuted from 4 years to 3 years, 4 months expiring on March 25, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of assault, robbery, entering to commit felony, carrying concealed deadly weaepons and was sentenced by the Oyer and Terminer and Quarter Sessions Court of Philadelphia County to imprisonment in the Eastern State Penitentiary for from 4 to 8 years on December 1, 1936. Sentence to begin November 25, 1936.

The Board of Trustees of the Eastern State Penitentiary reports that this man has a good conduct record and has not demonstrated any bad habits. He associates with a good type of inmates and is clean and neat about his cell and person. He has attended school at Graterford for 25 months and made good progress in academic work. He is idle at the present time because of his physical condition. The applicant in this case is suffering from a diseased condition of the spinal cord and it is doubtful that he will ever recover.

The trial judge, the Honorable Robert E. Lamberton, did not reply to our letter of inquiry. The assistant district attorney, James W. Tracey, Jr., Esquire, appeared before the Board and stated that the district attorney's office recommended the release of the applicant in order that he might receive medical attention not available in the penitentiary. The investigation of the Board of Pardons reveals that the applicant together with three accomplices were involved in a series of robberies. The applicant was 24 years of age at the time of the commission of these crimes and its is believed that his present confinement has proved to be a salutary lesson to him.

The Board of Pardons is of the opinion that this man has been sufficiently punished, and therefore, recommends that his sentence be commuted. He will have served 3 years, 4 months of his minimum sentence, expiring on March 25, 1940, and will be under the supervision of the Board of Pardons until November 25, 1944. Because of the present physical condition of the applicant and of the opinion of the medical officer who had him in charge, employment has not be made a prerequisite in this case.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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## BOARD OF PARDONS

In re application of David Zimmerman, D-412, No. 4261, March Session, 1940.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the sentence of David Zimmerman, convicted of entering a building with intent to commit a felony, larceny, breaking and entering in the Court of Quarter Sessions of Schuylkill County on March 5, 1935, be commuted on Bill No. 364 from a maximum of 5 years 1 month, expiring on April 13, 1940, and a maximum of 8 years, on Bill No. 365 from a minimum of 4 years to a minimum of 1 day, expiring on April 14, 1940, on Bill No. 366 from a minimum of 4 years to a minimum of 1 day, expiring on April 15, 1940, on Bill No. 367 from a minimum of 4 years to a minimum of 1 day, expiring on April 16, 1940, on Bill No. 368 from a minimum of 3 years to a minimum of 1 day, expiring on April 17, 1940, on Bill No. 369 from a minimum of 4 years to a minimum of 1 day, expiring on April 18, 1940, and on Bill No. 370 from a minimum of 4 years to a minimum of 1 day, expiring on April 19, 1940.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to the crime of entering a building with intent to commit a felony, larceny, breaking and entering, and was sentenced by the Quarter Sessions Court of Schuylkill County to imprisonment in the Eastern State Penitentiary for from 27 to 54 years on March 5, 1935. Sentence to begin March 13, 1935.

The Board of Trustees of the Eastern State Penitentiary report this man has a satisfactory record and attitude. He is employed in the bookkeeping department and is considered an efficient worker. His associates are of the average type. Applicant spends his leisure time in studying shorthand and typing, and is also interested in the study of music (violin). He has made very good progress in both. His mental rating is superior. His previous criminal history consists of two arrests involving felonious entry He was placed on probation on one of the arrests and given a suspended sentence on another.

The trial judge, the Honorable Cyrus M. Palmer recommends that clemency be granted in this case. The district attorney, C. A. Whitehouse, Esquire, states to the Board of Pardons: ". . . A report of our investigation discloses that Zimmerman is a kleptomaniac and we believe clemency at this time would have no beneficial effect on him and we accordingly oppose the granting of the petition." At the request of the Board of Pardons, Doctor William C. Sandy, Director, Bureau of Mental Health, made an examination of the applicant and reports as follows:: ". . . The inmate, of superior intelligence, from a good home and church connections, with an excellent school record, and according to report a musician of some talent, became involved in undesirable associates, apparently through playing with small orchestras at taverns and participating in drinking with the crowd. His stealing was not of the type to be characterized as "kleptomania" but limited to articles he craved such as sporting equipment, money for expenses and parts for his car. It is stated he has shown no tendency to appropriate articles belonging to others since he entered the penitentiary. He has been industrious and has given satisfactory service in a somewhat responsible bookkeeping and typing position. There is no record of emotional instability or any other evidence of psychiatric significance."

The Board of Pardons is of the opinion that he has been sufficiently punished, and therefore, recommends that his sentence be commuted. He has served 5 years and 1 month of his minimum sentence, expiring on April 13, 1940. He will be under the supervision of the Board of Pardons until April 19, 1948. Employment has been obtained for the applicant by Mr. Henry Beningo, provided he is released on parole.

Respectfully submitted,

S. S. LEWIS,
Lieutenant Governor.
S. M. R. O'HARA,
Secretary of the Commonwealth.
CLAUDE T. RENO,
Attorney General.
WILLIAM S. LIVENGOOD, JR.,
Secretary of Internal Affairs.

The above recommendation is approved:

ARTHUR H. JAMES,
Governor.

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## REPORT OF JOINT COMMITTEE TO INVESTIGATE AERONAUTICS

To the Hon. Arthur H. James, Governor of the Commonwealth.

Hon. Frederick T. Gelder, President Pro Tempore of the Senate.

Hon. Ellwood J. Turner, Speaker of the House of Representatives.

The Joint Committee for the investigation of Aeronautics, appointed under House Concurrent Resolution No.

24, Serial No. 203, has performed the duties for which it was appointed.

Public hearings were held in the Senate Caucus Room on April 25, 1939 and on May 3, 1939. At these hearings sworn testimony of witnesses was recorded. Copies are attached hereto.

Your Committee respectfully submits the following report.

Charles A. P. Bartlett, Chairman.
David N. Denman, Secretary
C. Gilbert Wolfenden
Robert J. Cordier
Matthew T. Knoble.

A thorough investigation of Aeronautics in Pennsylvania covering the period from 1935 to May 3, 1939 has convinced your committe of the following facts:

A. That the Division of Aeronautics during the Administration of 1935-1939 was conducted in an extravagant and inefficient manner, with a considerable waste of public funds, but in spite of the extravagance and waste, several projects for the betterment of aviation in the Commonwealth were completed during that period, namely the Harrisburg and Martinsburg airports, the radio ranges and elliptical markers.

B. That the planes of the Division were used during that period by the then Governor, and by his immediate personal and official families, on other than official business.

C. That on two occasions, the then Governor, because of his inexperience, crashed two State owned planes, and that his son, not an official of the State, crashed an additional State owned plane in June, 1938.

D. That the plane crashed by the then Governor on Christmas Day 1938 at Wings Field, Ambler is regarded as almost a total loss. Its original cost was over $15,000 and there is an estimated salvage value of "about $5,000."

E. That two other planes involved in these crashes are still held by the plane factories against payment of the repair bills incurred.

F. That transportation of State officials not required to use aircraft, was a common custom.

G. That the inspection service of the State fields, and of airplane crashes suffered as a result of the flying policy of the then Governor.

From the standpoint of national defense, your committee is convinced that the Commonwealth should request the Federal Government to assist in a survey of the airfields of the State with a view to determining what State facilities are best adapted to the Federal program, and what, if anything, the Commonwealth may be able to do in the national interest. Defense is a national problem, with which your committee is not concerned except as Pennsylvania interests are involved.

A. No airport within the State is equipped in any way to provide defense against air attack.

B. Two of the greatest manufacturing and commercial centers in the nation are at opposite ends of the State and on or near its borders with neighboring states. The Philadelphia center of shipping and shipbuilding and the Pittsburgh center of steel are vulnerable, and each of prime importance to national defense.

C. Airfields to protect these centers should be sufficiently near to be able to give prompt aid, but not so near as to be included in the vulnerable area. The Harrisburg airport might answer for the Eastern needs and Latrobe field for the Western. Latrobe field is suggested for various reasons:

1. A satisfactory terrain for a runway of more than one mile.
2. Adaptability for underground hangars.
3. Proximity to main line of Pennsylvania Railroad and to Lincoln Highway and Pennsylvania Turnpike.
4. Comparative freedom from fog and absolute freedom from dense smoke.
5. Direct flying course between New York, Philadelphia, Pittsburgh and Youngstown.

D. It is not apparent that any effort by the State or any of its departments has been made to interest the Federal Government in constructing or assisting in constructing any depots or stations for air defense.

FINDINGS OF FACTS

That the total cost of the Bureau of Aeronautics for the past several fiscal years has been as follows: (Report of the Auditor General.)

| Total Cost | |
|---|---|
| 1935-1936 | $235,143.14 |
| 1936-1937 | $201,331.42 |
| 1937-1938 | 579,685.87 |
| 1938-1939 (To January 1 only) | 598,028.18 |

Of the above amounts, the portion for operations only

| | |
|---|---|
| 1935-1936 | 56,990.94 |
| 1936-1937 | 158,945.52 |
| 1937-1938 | 337,288.21 |
| 1938-1939 (To January 1 only) | 346,289.22 |

Note:

Unofficial conference with the Commissioners of Aviation of many states, then in annual convention at Washtington, D. C. developed the fact that Aviation in Pennsylvania was costing the State many thousands of dollars more than any other state reporting, including New York, New Jersey, Illinois, California, Michigan, Connecticut and others. It was the belief of the conferees, generally agreed upon by all, that Aviation should not cost Pennsylvania more than $35,000 annually.

That the Commonwealth is the owner of a "Link Trainer", an apparatus used for training pilots to fly "blind". The cost of this equipment was about $6,000 and the annual cost of its operation is likewise about $6,000. The average cost per student was about $40.00. The State paid the entire cost of supply and operation of this equipment. None of the students, or no one in their behalf has made any payments for this education, nor is any student in any way obligated to furnish any present or future service to the State.

That as of April 25, 1939 no charges were being rendered at Harrisburg airport for storage of planes owned by private operators, or for services rendered them or to the planes of Airway companies.

That the Commonwealth jointly with the Federal Government has developed an excellent airway net in this state, together with proper safety devices, radio beams, etc. and emergency landing fields. That the dangerous terrain of this State has been made more safe for flying particularly during rough weather and at night.

That the Bureau of Aeronautics of the State has been a loosely controlled division by the former Department of Revenue, and its duties and obligations even as of April 25, 1939 not clearly defined.

That there have been no definite provisions for the use of State planes either by the State Police or by the National Guard in cases of emergency.

That no use of the State Motor Police as inspectors of air fields and equipment appears to have been made.

That there appears to have been no effort to cooperate with responsible institutions of learning in the State in the training of student fliers, in conjunction with either the Federal Department of Aeronautics or the Civil Aeronautics Authority.

That of the State's present ownership of six planes, three are not usable, having been wrecked.

1. A Stinson plane S7 NC2205 is at Lycoming Motor Company, Williamsport, Pa. for motor overhaul. The repairs had not been paid for as of April 25, 1939 and the plane had not, therefore, been returned to Harrisburg airport.
2. The plane which crashed in the hands of George H. Earle, IV, son of former Governor George H. Earle, III, is a Fairchild monoplane. It is at the Fairchild factory at Hagerstown, Bd., and being held against a repair bill of $1,700.
3. The plane which crashed at or near Wings Field, Ambler, when piloted by Governor Earle, cannot be repaired practically. The cost of this plane was

$15,347.50 and the salvage value about $5,000. (Testimony April 25, 1939, page 14 et seq.). Cost of putting this plane back in condition would be about $15,000. (Testimony May 3, 1939, page 23).

That there is no indication that former Governor Earle was on official business at the time of crash near Wings Field. (Testimony April 23, 1939, page 18).

That the legal representative of former Governor Earle has communicated with representatives of the Commonwealth and requested a conference in order to determine where lies the responsibility for plane accidents caused during pilotage by himself and his son, and to ascertain whether or not he should make any payments to the State therefor. (Testimony May 3, 1939, page 18 et seq.).

That the total cost of plane accidents suffered during pilotage by Governor Earle was approximately $16,747.50. (Testimony May 3, 1939, pages 20 and 21).

That testimony does not disclose that George H. Earle IV was or was not an official or employee of the State at the time when the Fairchild plane was wrecked with him at the controls. Or that at the time, he was or was not on official business for the State (Testimony April 25, 1939, page 11.).

RECOMMENDATIONS

That the airplane now being held by Lycoming Motor Co. against repair bill be returned to the State and the bill be satisfied in full.

That the Fairchild plane now being held by Fairchild Aircraft Co. be returned to the State and the bill be settled in full.

That former Governor Earle be surcharged $16,747.50 for damages suffered to State planes while he was at the controls and not on official business.

That George H. Earle IV, son of former Governor Earle, be requested to pay to the State the sum of $1,700 for damages to State planes while he was at the controls, being then not a official or employee of the State, and not at the time on official business for the State.

That instruction in blind flying on the Link Trainer be charged for at cost, said cost to be based on cost of operation of the equipment plus its depreciation and repair.

That the bureau of Aeronautics be definitely defined as to its position in the State Government in conformity with the practice and usage in other states, and that a survey be made to determine to what extent the Commonwealth should participate in aviation.

That the aviation laws of the State be amended and brought up to date so as to conform to the laws of other States, and the laws of the Federal Government.

That provisions be made for the use of State planes and aeronautical equipment by the Pennsylvania Motor Police and by the National Guard of the State when advisable, and in such cases the costs involved to be charged to the Department using the planes or equipment.

That the Bureau of Aeronautics cooperate with recognized institutions of learning to assist them in obtaining aviation training for their students through the facilities of the Federal Government, the said State assistance to be confined to permission to use airports at a cost to be determined.

That a survey be made of the airports of the State, to determine which are available for training student flyers and which for defense purpose.

That the regular inspections of airfields by the State be made by the State Motor Police.

That the Bureau of Aeronautics be removed from the Department of Revenue and placed either in the Department of Commerce or the Department of Military Affairs.

That the Bureau of Aeronautics consist of one commissioner and two deputy commissioners to be appointed for the remaining period of the biennium, so that definite persons may be available to make the surveys recommended, to determine to what extent the Commonwealth should engage in aviation activities, what changes should be made in the aviation laws and such other changes as they may find desirable.

That the appropriation for the balance of the biennium should not exceed $25,000.

That the appointed Commissioner should be a competent aviator recognized as an authority in that field.

Note: The commissioners of Aviation represented at the National Aviation Forum in Washington in February 1939 were unanimous in their expression that because of the importance of the State of Pennsylvania in aviation, and the difficulty of its terrain, only an outstanding figure in aviation should hold the position, and they were further unanimous in their choice of Col. A. H. Stackpole of Harrisburg as the best qualified man for this difficult problem. Your committee approves and suggests that name.

That the tax received from the sale of gasoline and oil for aviation purposes be segregated and reserved to the use of the Bureau of Aeronautics. Such funds to be used preferably in aviation education as may be recommended by the Department of Public Instruction.

Your committee desires to express its thanks to those who testified before the committee and who so ably assisted during the hearings and who furnished the material from which this report is prepared.

And to the Honorable Gill Robb Wilson, Commissioner of Aviation of the State of New Jersey, who was particularly helpful and to the Commissioners of Aviation of the States of New York, Illinois, Michigan, California, Massachusetts, Florida, Connecticut, Texas and Missouri.

And to Maior Bourne of the Civil Aeronautics Administration, and to the National Aviation Forum, all of whom gave generously of their time, at no expense to the Commonwealth.

Your committee recommends further the payment of $25.00 for stenographic services in the preparation of this report.

Respectfully submitted,

| | |
|---|---|
| Charles A. P. Bartlett, Chairman | (Senate) |
| David N. Denman Secretary | (H. R.) |
| C. Gilbert Wolfenden | (Senate) |
| Robert J. Cordier | (H. R.) |
| Matthew T. Knoble | (H. R.) |

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B Testimony, May 3, 1939.
C Auditor General's Tables of Costs of Aeronautics.
D Copy of Proceedings before a special committee of the House and Senate, submitted February, 1939.

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# TO THE

# LEGISLATIVE JOURNAL

# EXTRAORDINARY SESSION OF 1940



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AMON, MRS. K. M., confirmed, 29.

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ANGLEMOYER, WILLIAM M., confirmed, 26.

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BEALER, CHARLES A., confirmed, 24.

BEALL, J. THOS., JR., confirmed, 23.

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BEAN, CHRISTIAN T., confirmed, 27.

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DUNNIGAN, MRS. ELVERA M., confirmed, 32.
DURKIN, THOMAS D., confirmed, 25.
DURNEY. MISS MARGARET A., confirmed, 34.
DURSCHINGER, LEONARD J., confirmed, 25.
DUVAL, MISS ELEANOR F., confirmed, 33.

E.

ECK, MISS CATHERINE Y., confirmed, 25.
ECKLEY, MISS JEAN, confirmed, 31.
EDIN, MISS LOUISE C., confirmed, 228.
EDMUNDS, MRS. M. H., confirmed, 33.
EDWARDS, MRS. SARA W., confirmed, 30.
EGER, MISS ROSE F., confirmed, 58.
EHRENZELLER, J. F., confirmed, 33.

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EHRMAN, JOSEPH A., confirmed, 31.
EICHELE, GEORGE E., confirmed, 187.
EITEL, P. O., confirmed, 25.
ELDER, H. S., confirmed, 26.
ELLIOTT, R. H., confirmed, 27.
ELLIS, ADDISON S., confirmed, 33.
ELLIS, ERNEST, confirmed, 22.
ELY, MISS ANN M., confirmed, 30.
ENGEL, MISS BERNICE, confirmed, 29.
ENGERER, E. W., confirmed, 29.
ENGLEHART, W. HOMER, confirmed, 31.
ERNEST, RAYMOND M., confirmed, 24.
ERTZMAN, MISS MARION L., confirmed, 30.
EVANS, MISS EMILIE, confirmed, 22.
EVANS, JAMES D., confirmed, 27.
EVANS, MISS MARGARET, confirmed, 27.

F.

FAGLEY, G. A., confirmed, 26.
FAHENSTOCK, MISS VIVIAN T., confirmed, 187.
FANNIBERG, MISS SUSAN A., confirmed, 28.
FARNAN, MRS. ANNA M., confirmed, 28.
FARR, MISS GENEVIEVE A., confirmed, 34.
FARRAN, WILLIAM N. JR., confirmed, 24.
FAUCETT, MRS. MILDRED B., confirmed, 31.
FAUST, BERT, confirmed, 34.
FAUST, MISS ELEANOR A., confirmed, 29.
FAUST, RAYMOND J., confirmed, 32.
FAY, ALBERT D., confirmed, 26.
FELL, MISS LILLIAN M., confirmed, 22.
FENOL, MICHAEL D., confirmed, 24.
FERGUSON, JOHN C., confirmed, 30.
FERRARO, ROCCO L., confirmed, 33.
FERRY, FRANCIS T., confirmed, 32.
FICKES, MRS. IRENE, confirmed, 51.
FILIPPELLI, C. J., confirmed, 26.
FINE, LOUIS A., confirmed, 34.
FINEBERG, MISS CECIL, confirmed, 23.
FINN, MISS MARIE A., confirmed, 31.
FINN, WILLIAM E., confirmed, 23.
FIORUCCI, JOSEPH A., confirmed, 301.
FIRMAN, ROBERT J., confirmed, 187.
FIRTH, MISS FRANCES, confirmed, 29.
FISHER, MRS. CLARA M., confirmed, 26.
FISHER, HARRY H., confirmed, 33.
FISHER, I. IRWIN, confirmed, 188.
FISHER, MISS MONA K., confirmed, 34.

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FISHER, P. S., confirmed, 34.

FISHER, WILLIAM J., confirmed, 30.

FISKE, MISS NORMA, confirmed, 29.

FLANAGAN, JAMES T., confirmed, 188.

FLANNERY, PATRICK J., confirmed, 32.

FLEEK, MISS CORDELIA, confirmed, 31.

FLEMING, MISS AGNES E., confirmed, 29.

FLEMMING, T. CLAIR, confirmed, 23.

FLOWERS, HAROLD T., confirmed, 22.

FLYNN, MISS EDITH I., confirmed, 29.

FOCER, MRS. DOROTHY, confirmed, 29.

FOGELSANGER, PAUL L., confirmed, 31.

FOGELSONGER, G. LEONARD, confirmed, 31.

FOLEY, MISS MARGARET C., confirmed, 33.

FORESTEIN, JULES, confirmed, 33.

FORD, HARRY M., confirmed, 31.

FORRESTER, MASON W., confirmed, 28.

FORTNER, MISS MYRTLE A., confirmed, 31.

FOSS, MISS MARION P., confirmed, 21.

FOSTER, FRANK R., confirmed, 26.

FOSTER, RALPH, confirmed, 30.

FOSTER, WILLIAM, confirmed, 30.

FOULKES, MISS MARY T., confirmed, 187.

FOX, MISS MARY H., confirmed, 32.

FRANEK, JOS. A., confirmed, 27.

FRANK, HERBERT D. JR., confirmed, 32.

FRANKEL, GEORGE, confirmed, 32.

FRAZEN, MRS. MILDRED M., confirmed, 22.

FRECON, L. J., confirmed, 35.

FREEDMAN, MISS DOROTHY, confirmed, 34.

FRENZEL, MRS. EVELYN HIPSLEY, confirmed, 29.

FRETZ, ROBERT D., confirmed, 33.

FREUND, MISS MILDRED C., confirmed, 25.

FRIED, MORRIS, confirmed, 25.

FRIEDMAN, DEWEY, confirmed, 188.

FRIEDMAN, JOSEPH L., confirmed, 30.

FRIES, TRUMAN R., confirmed, 22.

FRITZ, MRS. MIRIAM C., confirmed, 58.

FROMM, MISS FRIEDA F., confirmed, 21.

FRY, MISS DOROTHY C., confirmed, 30.

FRY, MRS. ELIZABETH H., confirmed, 22.

FRYER, ARTHUR M., confirmed, 29.

FRYMIRE, DORANCE E., confirmed, 32.

FUELLER, MISS MARJORIE A., confirmed, 21.

FULGINITI, JOHN W., confirmed, 33.

FULLER, MORTIMER B. JR., confirmed, 187.

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FULTON, MAURICE W., confirmed, 33.

FURIA, MRS. MOLLIE S., confirmed, 22.

G.

GALLAGHER, MISS CATHARINE E., confirmed, 26.

GALLAGHER, JOS. A., confirmed, 32.

GALLAGHER, MISS LUCILLE A., confirmed, 34.

GALLAGHER, PATRICK J., confirmed, 28.

GALLAGHER, MISS RITA M., confirmed, 22

GALLO, JOHN A., confirmed, 29.

GANDY, RALPH H., confirmed, 29.

GAPP, DONALD W., confirmed, 26.

GARBACIK, JOHN L., confirmed, 32.

GARNER, ERNEST G., confirmed, 29.

GARRISON, ELBERT A., confirmed, 23.

GARRITT, MISS M. JOSEPHINE, confirmed, 26.

GARVIN, H. B., confirmed, 32.

GASSERT, MRS. IRENE B., confirmed, 24.

GATHERS, DAVID C., confirmed, 31.

GAUGLER, MISS VIOLA M., confirmed, 23.

GELBACH, MRS. MABEL E., confirmed, 22.

GEHMAN, FRANCIS, confirmed, 32.

GEISSEL, CONRAD W., confirmed, 28.

GENNER, MISS BEATRICE L., confirmed, 23.

GERBER, H. J., confirmed, 23.

GIARDINELLI, SILVIO JR., confirmed, 22.

GIBSON, J. H., confirmed, 32.

GIESEY, G. A., confirmed, 29.

GIGLER, FRED, confirmed, 30.

GILDEA, MISS VERNA E., confirmed, 26.

GILLESPIE, BRINDLEY M., confirmed, 187.

GILLMAN, HAMMOND, confirmed, 188.

GINGERY, LEWIS W., confirmed, 30.

GINGHER, DICK, confirmed, 32.

GINGLES, WILLIAM J., confirmed, 27.

GIOIOSA, LEONARDO A., confirmed, 58

GIVEN, JAMES R., confirmed, 31.

GLADDEN, F. R., confirmed, 26.

GLASS, C. FREDERICK, confirmed, 32.

GLEASON, G. M., confirmed, 26.

GOETTLER, CARL W., confirmed, 29.

GOETZL, MISS THERESA, confirmed, 26.

GOHRS, MISS MABEL E., confirmed, 32.

GOLDBLUM, MISS ZELLA, confirmed, 21.

GOLDNER, MISS ANNA G., confirmed, 21.

GOODSMITH, EDWARD, confirmed, 52.

GOLNICK, MRS. MIRIAM, confirmed, 32.

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GOMERY, JOHN E. JR., confirmed, 34.
GOMMILL, MRS. DORATHY A., confirmed. 29.
GOOD, MRS. GLADYS L., confirmed, 32.
GOODMAN, LOUIS, confirmed, 32.
GRADY, CHARLES W., confirmed, 31.
GRAF, HERBERT E., confirmed, 28.
GRAFF, HENRY, confirmed, 27.
GRAUER, MRS. V. R., confirmed, 33.
GREEN, MISS EVELYN, confirmed, 30.
GREEN, MRS. MARIE S., confirmed, 29.
GREEN, SAMUEL, confirmed, 24.
GRIESSER, FRANK A., confirmed, 33.
GRIFFIN, A. A., confirmed, 24.
GRIFFITH, MISS TWANE, confirmed, 23.
GROMLICH, MRS. SADYE E., confirmed, 23.
GROOVER, MISS KATHRYN, confirmed, 34.
GROSS, MRS. ELSIE, confirmed, 28.
GROVE, MRS. D. VIRGINIA, confirmed, 24
GROVE, PAUL R., confirmed, 27.
GRUBB, EDWARD J. JR., confirmed, 33.
GRUBE, WALLACE F., confirmed, 33.
GRUBER, A. S., confirmed, 29.
GRUBER, FREDERICK C., confirmed, 28.
GRUBER, RAY E., confirmed, 31.
GRUNER, MISS EMMA G., confirmed, 33.
GRUNINGER, JOHN H., confirmed, 28.
GRUPP, MRS. LILLIAN, confirmed, 26.
GRUVER, C. C., confirmed, 23.

H.

HABERSTROH, ROBERT C., confirmed, 58.
HACKMAN, NEWTON H., confirmed, 27.
HAFER, CARL C., confirmed, 33.
HAFER, MISS DOROTHY I., confirmed, 30.
HAGEN, CHARLES J., confirmed, 188.
HAHN, HARRY V., confirmed, 52.
HALDEMAN, MISS RUTH S., confirmed, 32.
HALE, HARVEY M., confirmed, 23.
HALL, RICHARD H., confirmed, 25.
HAMILTON, MISS FLORENCE W., confirmed, 31.
HAMMILL, MISS ROSE A., confirmed, 27.
HANKEY, WILLIAM R., confirmed, 29.
HARING, RAYMOND L., confirmed, 30.
HARMON, STANLEY J., confirmed, 32.
HARRITY, F. J., confirmed, 24.
HARRIS, MISS ALICE, confirmed, 34.
HARRIS, HERMAN, confirmed, 23.

NOTARIES PUBLIC—Continued.
HARRIS, NATHANIEL KIRBY, confirmed, 32.
HARRIS, R. A., confirmed, 29.
HARRISON, G. HARRY, confirmed, 187.
HARRISON, THOMAS H., confirmed, 29.
HARSH, HARRY C., confirmed, 31.
HARTZELL, IRWIN N., confirmed, 26.
HARWICK, FRED G., confirmed, 32.
HAUER, MISS EDNA M., confirmed, 31.
HAURY, MISS ANNA, confirmed, 31.
HAWLEY, JAMES L., confirmed, 188.
HAYMAN, MRS. MARGUERITE D., confirmed, 31.
HAZEL, MISS DOROTHY K., confirmed, 33.
HAZLETT, MISS MABEL A., confirmed, 25.
HECK, J. FRANCIS, confirmed, 29.
HEDRICK, CHARLES E., confirmed, 29.
HEFFELFINGER, MISS PEARL A., confirmed, 27.
HEFFNER, MISS IDA R., confirmed, 30.
HEIL, H. C., confirmed, 25.
HEIMBACH, MRS. EVELYN T., confirmed, 187.
HEIN, MILTON J., confirmed, 30.
HELD, MRS. CATHARINE E., confirmed, 187.
HELLER, PAUL W., confirmed, 26.
HELMICH, MISS ELSIE A., confirmed, 28.
HELMICH, WILLIAM, confirmed, 29.
HENNE, JOHN I., confirmed, 30.
HENNESSY, MISS M. ALICE, confirmed, 30.
HENNIGAN, MISS NELLIE L., confirmed, 22.
HENRETTY, N. T., confirmed, 25.
HENRY, MRS. ANNIE M., confirmed, 34.
HENRY, EMMETT J., confirmed, 34.
HENRY, IRA M., confirmed, 26.
HENRY, MISS KATHARINE, confirmed, 27.
HENRY, NORMAN S., confirmed, 32.
HENSEL, C. E., confirmed, 23.
HENSHAW, MISS ISABEL, confirmed, 32
HERON, DAVID W., confirmed, 30.
HERSCH, JOSEPH J., confirmed, 22.
HERST, SAMUEL F., confirmed, 28.
HESS, MISS FRANCES H., confirmed, 33.
HETBLEIN, MISS ROSE, confirmed, 23.
HETRICK, HOWARD C., confirmed, 26.
HETTINGER, OLIVER J., confirmed, 26.
HEWITT, THOMAS W., confirmed, 23.
HEYL, MRS. AMALIA K., confirmed, 26.
HILBERT, RAYMOND B., confirmed, 30.
HILL, MISS SARA M., confirmed, 34.

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HIMELBERGER, JOHN E., confirmed, 30.

HIPPLE, MRS. PAULINE C., confirmed, 31.

HIRT, ARTHUR F., confirmed, 301.

HOBBS, H. BLAKE, confirmed, 30.

HOBBS, MRS. MARJORIE R., confirmed, 28.

HOCH, MISS HELEN M., confirmed, 33.

HOCK, LARUE C., confirmed, 187.

HOFF, MISS SUZANNE, confirmed, 33.

HOFFMAN, ALBERT W., confirmed, 29.

HOFFMAN, CARL, confirmed, 23.

HOFFMAN, I. LEO, confirmed, 52.

HOFFMAN, MRS. VIOLA, confirmed, 22.

HOHMAN, MISS JULIA M., confirmed, 29.

HOHN, MISS MATTIE, confirmed, 34.

HOLL, MISS RUTH E., confirmed, 31.

HOMER, ARTHUR L., confirmed, 187.

HOOD, JOHN V., confirmed, 31.

HOOKER, MISS BETTE J., confirmed, 32.

HOOPES, CHARLES F., confirmed, 300.

HOOVER, FRANK A., confirmed, 228.

HOOVER, MRS. IRENE, confirmed, 34.

HORMELL, MISS IRENA M., confirmed, 29.

HORN, MISS K. HOPE, confirmed, 30.

HORNE, L. BRINTON, confirmed, 24.

HORNING, JOHN G., confirmed, 188.

HORNSBY, G. W., confirmed, 28.

HOUCHENS, MISS MARIAN, confirmed, 32.

HOUDER, JOHN, confirmed, 32.

HOUGH, I. ELY, confirmed, 32.

HOULIHAN, MISS ELIZABETH, confirmed, 24.

HOYT, MRS. DOROTHY H., confirmed, 26.

HUBBELL, RANDOLPH H. JR., confirmed, 187.

HUBBS, HARRY L., confirmed, 28.

HUBER, MISS CATHERINE J., confirmed, 31.

HUBER, WILBUR C., confirmed, 23.

HUDAK, MRS. HELEN, confirmed, 301.

HUGLI, FRED C. JR., confirmed, 228.

HULBERT, JOHN F., confirmed, 52.

HUMMEL, JOHN P., confirmed, 32.

HUMPTON, MISS SARA SUE, confirmed, 26.

HUNGER, JOHN W., confirmed, 34.

HUNGIVILLE, MISS VIRGINIA, confirmed, 31.

HUNTER, JOE R., confirmed, 34.

HUNTZINGER, ROBERT F., confirmed, 187.

HUSTED, MRS. HARRIETTE M., confirmed, 217.

HUSTON, M. V. G., confirmed, 15.

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HUTCHINS, WILLIS J., confirmed, 34.

HUTT, MISS MADELINE, confirmed, 28.

HYDE, MISS MARGARET M., confirmed, 33.

I.

IGNELZI, MRS. LUCY N., confirmed, 29.

IRONS, STANLEY M., confirmed, 27.

IRWIN, MISS FLORNECE M., confirmed, 33

ISBAN, JOHN A., confirmed, 34.

ISBY, HOWARD G., confirmed, 32.

J.

JACKSON, MRS. LEONA C., confirmed, 34.

JACKSON, MRS. M. B., confirmed, 30.

JACOBS, CLIFTON N., confirmed, 187.

JACOBY, F. G., confirmed, 32.

JACOBY, JOHN F., confirmed, 33.

JAMES, JOHN W., confirmed, 23.

JAMES, JOHN W., confirmed, 27.

JANISZEWSKI, ANTONI, confirmed, 34.

JEWELL, J. W., confirmed, 26.

JOHNSEN, ALAN, confirmed, 30.

JOHNSON, JAMES L., confirmed, 31.

JOHNSON, MISS RACHEL W., confirmed, 26.

JOHNSON, W. R., confirmed, 32.

JOHNSON, WILLIAM, confirmed, 25.

JOHNSTON, L. D., confirmed, 25.

JOLLIFFEE, MISS DOROTHY, confirmed, 30.

JONES, HERBERT P., confirmed, 28.

JONES, MISS MARCELLA G., confirmed, 29.

JONES, NELSON W., confirmed, 33.

JORDAN, RICHARD E., confirmed, 32.

K.

KAELIN, RAYMOND C., confirmed, 28.

KALEY, HAROLD E., confirmed, 21.

KANCHER, MISS REBA, confirmed, 33.

KANE, MRS. HELEN G., confirmed, 187.

KASPER, JOSEPH G., confirmed, 33.

KATZENBACH, HOWARD B., confirmed, 187.

KAUFFMAN, JULIUS JR., confirmed, 28.

KAUFFMAN, MRS. MARTHA H., confirmed, 31.

KAUFFMAN, WILBUR NELSON, confirmed, 26.

KAZMIERSKI, MICHAEL A., confirmed, 29.

KEARNEY, MISS ELEANOR, confirmed, 34.

KEATING, MRS. ELIZABETH F., confirmed, 34.

KECK, IRA, confirmed, 30.

KEENAN, WESLER T., confirmed, 27.

KEENER, MRS. STEPHANA L., confirmed, 34.

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KEFALOS, MISS ANNE, confirmed, 30.
KEHLER, MISS ESTHER A., confirmed, 24.
KEIM, MISS MARY E., confirmed, 31.
KEINARD, MISS GRACE I., confirmed, 30.
KEISER, MRS. HELEN D., confirmed, 30.
KEITH, MRS. JANE H., confirmed, 51.
KELL, H. RUSSELL, confirmed, 188.
KELLEHER, MISS MARY K., confirmed, 30.
KELLER, MRS. VELVA E., confirmed, 188.
KELLY, MISS EILEEN, confirmed, 32.
KELLY, FRANK A., confirmed, 31.
KELLY, MISS MARY T., confirmed, 34.
KELLY, RICHARD P., confirmed, 33.
KELLY, MISS ROSALIE C., confirmed, 33.
KENDALL, HAROLD J., confirmed, 26.
KENNEDY, FRANCIS C., confirmed, 34.
KENNEDY, LLOYD W., confirmed, 31.
KENNEDY, MISS PHOEBE, confirmed, 34.
KENTNER, W. L., confirmed, 24.
KENWORTHY, U. BRUCE, confirmed, 33.
KEPLER, MISS ALMA M., confirmed, 33.
KERLIN, F. G., confirmed, 22.
KESTER, MISS OLIVE D., confirmed, 228.
KESTNER, JOS. F., confirmed, 31.
KEYS, MISS LOTTIE R., confirmed, 30.
KEYSER, RAYMOND N., confirmed, 23.
KIEHL, MISS MARGUERITE C., confirmed, 27.
KIES, LEWIS F., confirmed, 33.
KILLARD, A. J., confirmed, 29.
KILLEEN, MISS FRANCES, confirmed, 29.
KIMMEL, MISS ELLEONORA M., confirmed, 30.
KING, GILBERT, confirmed, 29.
KINTER, MISS IRENE M., confirmed, 32.
KIRK, CHARLES H., confirmed, 34.
KISSINGER, MRS. MINNIE S., confirmed, 301.
KISTLER, MRS. DOROTHY B., confirmed, 29.
KISTLER, ELMER C., confirmed, 24.
KLEIN, MRS. JEANETTE, confirmed, 27.
KLINGENSMITH, F. W., confirmed, 30.
KLUGH, LIONEL A., confirmed, 31.
KNAPP, DONALD C., confirmed, 22.
KNAPP, MISS KATHRYN H., confirmed, 31.
KNEBELS, FRANCIS X., confirmed, 188.
KNERR, CALVINUS, confirmed, 32.
KNESTRICK, MISS MARY E., confirmed, 34.
KNIPPLE, HARRY J., confirmed, 28.

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KNOCSEL, MISS ELIZABETH A., confirmed, 31.
KNOWLES, FREDERICK J., confirmed, 34.
KNYRIM, CALVIN H. JR., confirmed, 27.
KOCH, JOHN A., confirmed, 25.
KOEDEL, G. E., confirmed, 34.
KOEHLER, RONALD E., confirmed, 33.
KOHN, MRS. GRACE L., confirmed, 22.
KOONTZ, RAY W. JR., confirmed, 30.
KOPELMAN, MISS RUTH, confirmed, 52.
KOPETCHNY, JOHN, confirmed, 22.
KOPP, MISS HELEN C., confirmed, 35.
KOTTCAMP, HORACE A. JR., confirmed, 31.
KRAJSA, JOHN L., confirmed, 32.
KRAKOFF, ALBERT P. confirmed, 29.
KRAPF, GARNER, E., confirmed, 32.
KRAVITZ, ISADORE W., confirmed, 28.
KREISHER, C. E., confirmed, 31.
KRESHOCK, STEPHEN, confirmed, 32.
KRESSLY, BURRIS T., confirmed, 31.
KRIEG, ALBERT M., confirmed, 51.
KRILL, MRS. RUTH M., confirmed, 51.
KRISE, WARREN S., confirmed, 26.
KROEHLING, CHARLES, confirmed, 33.
KRIM, B. REBER, confirmed, 26.
KUHLMAN, MISS HERTEL E., confirmed, 30.
KUHN, HARRY G., confirmed, 28.
KUHN, MRS. RUTH J., confirmed, 24.
KULCHYCKY, EMIL, confirmed, 24.
KUTCH, JOHN F., confirmed, 23.

L.

LABORANTI, JOHN, confirmed, 187.
LAKE, JOHN S., confirmed, 33.
LALLI, MISS JEANNE, confirmed, 28.
LAMANTIA, MISS AUGUSTA M., confirmed, 23.
LAMONICA, MISS CARMELLA J., confirmed, 32.
LANDENBERGER, FREDERICK P., confirmed, 34.
LANDIN, MILTON, confirmed, 32.
LANDIS, WALTER L., confirmed, 28.
LANE, MRS. SABINE A., confirmed, 31.
LANTZ, WM. MARSH, confirmed, 27.
LAROS, CLAUDE R., confirmed, 22.
LATIMER, C. D., confirmed, 25.
LAVERY, MRS. LOIS CARROLL, confirmed, 34.
LAW, MISS DOROTHY M., confirmed, 31.
LAWLER, MISS MARY A., confirmed, 33.
LAWRENCE, MRS. ANNIE M., confirmed, 34.

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LAWVER, MISS M. ELISABETH, confirmed, 31.
LEACH, MRS. MARGARET L., confirmed, 30.
LERNER, DAVID, confirmed, 32.
LEAF, MRS. SARAH H., confirmed, 33.
LEAHY, MISS ANNA R., confirmed, 21.
LEBER, CHARLES, confirmed, 27.
LECKEY, MRS. RUTH M., confirmed, 22.
LEDERER, ALBERT R., confirmed, 29.
LEE, FRANCIS E., confirmed, 33.
LEE, MISS MARGARET E., confirmed, 33.
LEIENDECKER, CLEMENCE B., confirmed, 29.
LEINENWEBER, MISS CAROLINE M., confirmed, 25.
LENHART, WAYNE P. J., confirmed, 26.
LEPORE, CHARLES R., confirmed, 228.
LESKO, JOHN G., confirmed, 188.
LESTER, JOS. F., confirmed, 24.
LETTEER, MRS. MARGARET L., confirmed, 28.
LE VAN, MISS MARY E., confirmed, 24.
LEVIS, MRS. AGNES A., confirmed, 30.
LEVY, DOLF L., confirmed, 28.
LEWIS, MISS ERNESTINE G., confirmed, 24.
LEWIS, WILLIAM H., confirmed, 33.
LEYLAND, MISS DOROTHY, confirmed, 34.
LICKLE, MRS. ESTHER B., confirmed, 31.
LIEBMAN, MISS MATILDA F., confirmed, 29.
LIGGITT, WILBUR S., confirmed, 35.
LIGHTFOOT, ALBERT M., confirmed, 28.
LINEMAN, GEORGE C., confirmed, 51.
LINTON, MISS MARY L., confirmed, 25.
LIPCHIK, MISS HELEN R., confirmed, 29.
LITMAN, SAM W., confirmed, 29.
LITTLEWOOD, A. R. JR., confirmed, 24.
LIVEZLY, JAMES H. JR., confirmed, 34.
LLOYD, C. GELBERT, confirmed, 27.
LLOYD, MRS. MARGARET M., confirmed, 32.
LOCKWOOD, MRS. ETHEL, confirmed, 31.
LODGE, J. D., confirmed, 33.
LODICO, JACOB, confirmed, 30.
LONG, A. R., confirmed, 34.
LONG, K. G., confirmed, 29.
LONG, MRS. MARY E., confirmed, 32.
LONKERT, MISS RUTH E., confirmed, 30.
LORD, ALBERT, confirmed, 34.
LOSKAMP, FRED G. JR., confirmed, 29.
LOUGHNER, MISS ALICE B., confirmed, 29.
LOWENTHAL, MISS BERNICE M., confirmed, 33.

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LUCAS, MRS. BLANCHE, confirmed, 27.
LUECKE, JOHN H., confirmed, 28.
LUTHER, K. E., confirmed, 25.
LUTZ, MRS. VIOLET M., confirmed, 30.
LYLE, MISS MARGARET, confirmed, 33.
LYMAN, EDWIN S. JR., confirmed, 24.
LYMAN, JOSEPH A., confirmed, 32.
LYNCH, JAMES J., confirmed, 28.
LYNCH, JOSEPH A., confirmed, 33.
LYNN, MISS ESTHER V., confirmed, 33.
LYTLE, MRS. DOROTHY B., confirmed, 228.

M.

MABEE, I. S., confirmed, 27.
MACALKA, MISS EMILY, confirmed, 25.
MacARTHUR, JOHN F., confirmed, 28.
MacCAUSLAND, PAUL R., confirmed, 28.
MacDONALD, MISS FLORENCE A., confirmed, 33.
MacDONALD, WM. R., confirmed, 29.
MACK, ANGELO, confirmed, 22.
MADDEN, MISS MARIE A., confirmed, 23.
MAGAN, MISS MARY, confirmed, 24.
MAGNUS, J. R., confirmed, 33.
MAGRAM, MISS RUTH, confirmed, 29.
MAHER, JAMES A., confirmed, 26.
MAIERS, MRS. ELSIE S., confirmed, 27.
MALE, WILBERT JR., confirmed, 300.
MALLALIEU, S. LEON, confirmed, 31.
MALONEY, MRS. ADELE M., confirmed, 188.
MANN, MISS EMMA B., confirmed, 34.
MANNION, MRS. TERESA B., confirmed, 32.
MANWILER, MRS. DOROTHY F., confirmed, 31.
MARINO, MRS. SANTINA S. confirmed, 24.
MARKOFSKI, HUBERT, confirmed, 32.
MARTIN, RAY, confirmed, 31.
MARTZ, MISS CAROLINE FABER, confirmed, 22.
MARX, WM L., confirmed, 33.
MARSH, RUSSELL H., confirmed, 32.
MASSARELLI, MISS MARY ANN, confirmed, 29.
MATHENY, MARSHALL G., confirmed, 27.
MATHEWS, WILLIAM, confirmed, 33.
MATHIAS, RUSSELL L., confirmed, 27.
MATTIE, JOHN, confirmed, 30.
MATTIS, J. H., confirmed, 187.
MATYASOVICS, MISS IRENEN, confirmed, 29.
MAUST, PAUL S., confirmed, 187.
MAYER, MISS MILDRED E., confirmed, 34.

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M'CALLA, T. H., confirmed, 33.
McALEER, MRS. MAME, confirmed, 26.
McATEE, MISS MARGUERITE M., confirmed, 34.
McAULIFF, MISS TERESA, confirmed, 30.
McCAFFREY, MISS FLORENCE, confirmed, 52.
McCAHILL, MRS. JEANNE, confirmed, 24.
McCALLISTER, MISS MARY A., confirmed, 25.
McCARTAN, MISS ROSE MARY, confirmed, 23.
McCARTHY, JOHN D., confirmed, 25.
McCARTHY, W. J., confirmed, 25.
McCASKEY, MISS HELEN, confirmed, 51.
McCAULEY, MRS. CHRISTINE D., confirmed, 34.
McCAULEY, MISS MARY CLAIRE, confirmed, 32.
McCLINCHIE, MISS SARA E., confirmed, 30.
McCLOSKEY, LEX K., confirmed, 31.
McCLOSKEY, J. V., confirmed, 188.
McCLONE, WILLIAM A., confirmed, 30.
McCLURE, JOHN M., confirmed, 30.
McCOY, JOHN M., co. firmed, 26.
McCRACKEN, MRS. LOUISE, confirmed, 33.
McCREADY, MISS RUTH A., confirmed, 27.
McCREESH, JOHN J. JR., confirmed, 300.
McCUFF, MRS. ETHEL L., confirmed, 24.
McDEVITT, MISS ELIZABETH, confirmed, 27.
McDONOUGH, JOHN M., confirmed, 29.
McDONOUGH, THOMAS, confirmed, 188.
McDOWELL, MISS A., confirmed, 33.
McDOWELL, O. E., confirmed, 26.
McFADDEN, MISS MARY C., confirmed, 22.
McFARLAND, WILLIAM J., confirmed, 21.
McGEARY, J. ABER, confirmed, 228.
McGEORGE, JAMES R., confirmed, 32.
McGINLEY, MISS KATHRYN E., confirmed, 26.
McGINNIS, EDWARD M., confirmed, 34.
McGOLDRICK, FRANCIS P., confirmed, 22.
McGOVERN, MISS MARTHA T., confirmed, 2[illegible].
McGRATH, MRS. FRANCES CONNER, confirmed, 188.
McGRAW, MISS BETTY, confirmed, 25.
McKINLEY, ALAN F., confirmed, 33.
McKOWN, WALTER R., confirmed, 34.
McLAUGHLIN, MISS AGNES, confirmed, 34.
McLAUGHLIN, THOMAS L., confirmed, 34.
McMEEL, MISS ANNE T., confirmed, 25.
McNALLY, EDWARD E., confirmed, 28.
McNAMARA, FRANK D., confirmed, 29.
McNAMEE, MISS AGATHA, confirmed, 32.

NOTARIES PUBLIC—Continued.
McNAMEE, MRS. SADIE J., confirmed, 22.
McNEAL, D. A., confirmed, 23.
McNUTT, MRS. VELMA D., confirmed, 26.
McPHERSON, C. ELMER, confirmed, 29.
McQUATE, MISS DOROTHY I., confirmed, 32.
MEADER, MRS. MARIAN A., confirmed, 31.
MEANS, WM A., confirmed, 25.
MEHLEY, ALFRED A., confirmed, 34.
MEIGHAN, MISS MARY ADELAIDE, confirmed, 32.
MEIGHEN, MRS. NANCY, confirmed, 187.
MEIXSELL, MRS. MYRTLE, confirmed, 27.
MELLINGER, A. Z., confirmed, 23.
MERLIN, A. A., confirmed, 29.
MERROW, OLIVER WOLCOTT, confirmed, 22.
MERZ, CHARLES J., confirmed, 34.
METRINKO, STEPHEN, confirmed, 188.
MEUSER, MISS MATILDA M., confirmed, 31.
MILLER, MISS ANNA M., confirmed, 25.
MILLER, MISS EVELYN K., confirmed, 29.
MILLER, MISS EVELYN M., confirmed, 29.
MILLER, MRS. JANE E., confirmed, 31.
MILLER, JOS. J. JR., confirmed, 187.
MILLER, LEE C., confirmed, 21.
MILLER, LeROY M., confirmed, 26.
MILLER, MISS LOUISE, confirmed, 34.
MILLER, M. E., confirmed, 25.
MILLER, MISS MARY G., confirmed, 187.
MILLER, MISS MARY K., confirmed, 30.
MILLER, MRS. ROSE MARIE, confirmed, 29.
MILLER, VERNON S., confirmed, 34.
MILLS, RICHARD H., confirmed, 34.
MILLER, ROBERT E., confirmed, 33.
MINK, F. ALLEN, confirmed 22.
MINNO, GEORGE, confirmed, 228.
MINOR, CLAIRE, confirmed, 32.
MISKIEL, EDWARD J., confirmed, 300.
MITTLER, S. E., confirmed, 24.
MOEDERN, MRS. EDITH, confirmed, 22.
MOELLER, MISS MARIE, confirmed, 30.
MOETSCH, CHAS. F. JR., confirmed, 24.
MOLINDA, S. A., confirmed, 21.
MOLL, MISS MIRIAM M., confirmed, 26.
MONAGHAN, MISS HELEN, confirmed, 33.
MONG, MRS. AGNES M., confirmed, 34.
MONTAGNO, JOSEPH A., confirmed, 24.
MONTVILLE, MISS BEATRICE M., confirmed, 22.

NOTARIES PUBLIC—Continued.

MOON, MRS. M. ELIZABETH, confirmed, 27.

MOORE, C. EARL, confirmed, 24.

MOORE, MISS CAROLINE J., confirmed, 31.

MORAN, MISS MARGARET, confirmed, 30.

MORAN, S. J., confirmed, 29.

MORGAN, ALBERT R., confirmed. 32.

MORGAN, MISS DOLORES J., confirmed, 228.

MORRIS, MISS ALICE M., confirmed, 26.

MORRIS, MISS ETHEL J., confirmed, 30.

MORRISON, BRUCE M., confirmed, 51.

MORROW, MRS. JANE M., confirmed, 25.

MOSES, GEORGE W., confirmed, 31.

MOSKOVITZ, MORRIS, confirmed, 27.

MOTSON, MISS HELEN I., confirmed, 33.

MOWRY, C. E. JR., confirmed, 23.

MOYAR, W. F., confirmed, 28.

MOYNER, MRS. DOROTHY M., confirmed, 52.

MOYER, MRS. EDITH S., confirmed, 30.

MOYER, HARRY F., confirmed, 30.

MOYER, N. HERBERT, confirmed, 33.

MOYER, WILMER S., confirmed, 22.

MUDD, MISS MABEL, confirmed, 28.

MULCAHY, MRS. FAY R., confirmed, 22.

MULFORD, MISS DORIS, confirmed, 34.

MULLIN, FRANCIS J., confirmed, 33.

MUMMERT, JEIN B., confirmed, 35.

MUNGER, GEORGE C., confirmed, 28.

MUNZER, MISS FLORENCE M., confirmed, 24.

MURDZA, MISS MAGDALENE, confirmed, 27.

MURRAY, J. LAWRENCE, confirmed, 33.

MURRIN, PAUL D., confirmed, 29.

MURSCH, MRS. CATHARINE F., confirmed, 34.

MURTOFF, R. G., confirmed, 31.

MURWITZ, MISS SADYE A., confirmed, 33

MUSSELMAN, F. R., confirmed, 33.

MUSSER, H. E., confirmed, 27.

MUSTIO, JOSEPH A., confirmed, 29.

MYERS, MISS DOROTHY, confirmed, 24

MYERS, H. BARTON, confirmed, 34.

MYERS, HEWITT J., confirmed, 31.

MYERS, MRS. VIOLET E., confirmed, 23.

N.

NADDY, VINCENT M., confirmed, 24.

NAGORSKI, MISS DOLORES O., confirmed, 31.

NAHILL, MISS DOROTHY M., confirmed, 33.

NASH, MRS. RUTH H., confirmed, 33.

NOTARIES PUBLIC—Continued.

NAST, W. LEON, confirmed, 27.

NATHAN, MISS FLORENCE, confirmed, 23.

NEEL, WILLIAM M., confirmed, 29.

NEELD, J. NOBLE, confirmed, 300.

NEFF, CYLDE A., confirmed, 30.

NEGLEY, ALEXANDER, confirmed, 30.

NEIMAN, MISS ALBERTA A., confirmed, 28.

NEIMAN, MISS BERTHA M., confirmed, 29.

NELSON, W. H., confirmed, 26.

NENSTIEL, W. F., confirmed, 32.

NEVILLE, WILLIAM J., confirmed, 33.

NEWCOMER, MRS. LOUISE E., confirmed, 35.

NEWCOMER, MRS. MARIE A., confirmed, 31.

NEWHALL, DAVID JR., confirmed, 33.

NEWHARD, ALFRED H., confirmed, 27.

NICHOLSON, C. E., confirmed, 23.

NIKISCHER, MISS AGNES M., confirmed, 23.

NOBLE, CHARLES E., confirmed, 34.

NOLL, CHARLES, confirmed, 31.

NOLL, MISS P. ELIZABETH, confirmed, 23.

NORD, MISS SVEA M., confirmed, 33.

NORTHRUP, MISS MABEL L., confirmed, 26.

NORTON, MRS. MARY SYRON, confirmed, 27.

NOYES, EDWARD L., confirmed, 26.

NUNLEY, MRS. REGINA G., confirmed, 32.

NYDES, MISS ANNA, confirmed, 23.

O.

OBLEY, FRED E., confirmed, 29.

O'BRIEN, MRS. ELIZABETH, confirmed, 30.

O'BRIEN, MRS. ELIZABETH A., confirmed, 187.

O'BRIEN, MRS. GERTRUDE K., confirmed, 28.

O'CONNOR, VALENTINE J., confirmed, 22.

OESTERLIN, MILO J., confirmed, 26.

OGDEN, C. D., confirmed, 31.

O'HARE, MRS. DOROTHEA G., confirmed, 24.

OLIVER, DOMENIK, confirmed, 31.

OLMI, MRS. MARGARET M., confirmed, 188.

OLSEN, MRS. BESS E., confirmed, 187.

O'MALLEY, MISS ANNE, confirmed, 27.

O'MALLEY, WILLIAM J., confirmed, 33.

ONCKEN, MISS W. ESTHER, confirmed, 29.

O'NEILL, MISS HELEN, confirmed, 33.

ORTON, LEWES D., confirmed, 23.

OVERBECK, MISS LUCILLE M., confirmed, 23.

OWENS, JOHN LINWOOD, confirmed, 34.

NOTARIES PUBLIC—Continued.

P.

PAGE, EDWIN W., confirmed, 31.
PAIGE, MISS RUTH M., confirmed, 28.
PAINTER, MISS MARY P., confirmed, 30.
PALMER, MRS. MABEL M., confirmed, 31.
PALMER, MRS. RUBY M., confirmed, 29.
PANTON, HOWARD R., confirmed, 26.
PAPA, CHARLES A., confirmed, 33.
PARDI, MISS ELIZABETH, confirmed, 29.
PARK, C. L., confirmed, 26.
PARKS, WILLIAM M., confirmed, 31.
PARR, MISS HARRIET S., confirmed, 30.
PARSONS, WILLIAM K., confirmed, 339.
PARSONS, W. N., confirmed, 34.
PASSAFIUME, THOMAS A., confirmed, 23.
PATTERSON, DAVID W., confirmed, 32.
PATTERSON, JAMES C., confirmed, 30.
PAUL EDWARD, confirmed, 34.
PEARSON, HOWARD R., confirmed, 301.
PEASE, MRS. ALICE G., confirmed, 26.
PEASE, LOUIS A., confirmed, 31.
PEIFER, MISS IRMA E., confirmed, 31.
PEPPLER, ALVIN, T., confirmed, 33.
PERKS, EVERETT M., confirmed, 34.
PERNA, JOHN B., confirmed, 32.
PERRY, MISS HELEN L., confirmed, 24.
PERSICHETTI, MRS. MARTHA, confirmed, 24.
PESCI, RICHARD G., confirmed, 29.
PETACH, CHARLES, confirmed, 30.
PETREY, MISS DORINE, confirmed, 32.
PETERS, MISS L. ANNE, confirmed, 34
PETERS, FRED W., confirmed, 22.
PETERSON, J. C., confirmed, 25.
PFEFFERL, MISS CHARLOTTE, confirmed, 30.
PFEIFFER, A. D., confirmed, 27.
PFISTER, J. E., confirmed, 23.
PHALIN, MRS. BESSIE H., confirmed, 26.
PHILLIPS, MRS. MARGARET K., confirmed, 24.
PHILLIPS, MRS. RUTH, confirmed, 27.
PHILLIPS, WILLIAM, confirmed, 187.
PITELLI, STEPHEN, confirmed, 24.
PITTMAN, HAROLD R., confirmed, 27.
PIVIROTTO, A. M., confirmed, 25.
PLATE, HOWARD N., confirmed, 51.
PLATT, VERNON D., confirmed, 23.
POE, MRS. DOROTHY H., confirmed, 23.

NOTARIES PUBLIC—Continued.

POLLER, MRS. BERTHA E., confirmed, 188.
POLLOCK, EDGAR J., confirmed, 34.
POLLOCK, MISS EMILY, confirmed, 22.
POLZER, JOHN G. JR., confirmed, 32.
POMERANTZ, ALBERT E., confirmed, 34.
PONTZER, ROBT. F., confirmed, 188.
POREA, JOHN T. JR., confirmed, 29.
PORTER, JOHN K., confirmed, 26.
POUDEVIGNE, EDMOND J., confirmed, 29.
POWELL, MISS MILDRED L., confirmed, 31.
POZNANSKI, CARL L., confirmed, 301.
PRAGER, WM R., confirmed, 33.
PREIS, MISS CLARA R., confirmed, 23.
PRESTON, MISS CLARA L., confirmed, 22.
PRICE, WILLIAM G., confirmed, 34.
PUGLIANO, DOMINIC, confirmed, 29.
PUGLIESE, MISS CATHERINE C., confirmed, 31.
PUGLIESE, MRS. PORTIA, confirmed, 24.
PURDY, H. B., confirmed, 34.
PUTNAM, CLARENCE H., confirmed, 26.

Q.

QICKEL, GEORGE H., confirmed, 300.
QUATROCHE, MISS ANNE M., confirmed, 22.
QUAY, MISS RUTH E., confirmed, 23.
QUIGLEY, MRS ELIZABETH R., confirmed, 26.
QUIGLEY, W. H., confirmed, 34.

R.

RAAB, WILLIAM B., confirmed, 29.
RADCLIFF, WILLIAM J., confirmed, 33.
RADER, CHARLES J., confirmed, 300.
RADHE, MRS. RUTH M., confirmed, 33.
RALSTON, MISS M. ELIZABETH, confirmed, 31.
RATNER, ALFRED W., confirmed, 29.
RAU, HARRY E., confirmed, 25.
READING, SAMUEL H., confirmed, 33.
REAM, HAROLD, confirmed, 34.
REARDON, MRS. EVA M., confirmed, 24.
REED, MRS. ELVA M., confirmed, 30.
REED, MRS. GERTRUDE J., confirmed, 33.
REES, MRS. ETHEL P., confirmed, 28.
REESE, BASIL J., confirmed, 34.
REGIS, SISTER FRANCIS, confirmed, 25.
REID, MISS GERALDINE R., confirmed, 30.
REID, JAMES P., confirmed, 31.
REILLY, EUGENE A., confirmed, 300.
REILLEY, JOHN, confirmed, 28.

NOTARIES PUBLIC—Continued.

REINDEL, WILLIAM H. JR., confirmed, 26.

REINFRIED, J. E., confirmed, 188.

REINHARD, CLAUDE D., confirmed, 31.

REINHARDT, FRED C., confirmed, 29.

REINHOLD, MISS FRANCES D., confirmed, 32.

REISSMAN, NATHAN P., confirmed, 24.

REITLER, JAMES H., confirmed, 26.

RENDINE, R. V., confirmed, 31.

RENO, MRS. ADELA M., confirmed, 30.

RENO, MRS. FRANCES M., confirmed, 30.

RESH, MISS BERTHA E., confirmed, 51.

RESINGER, WILLIAM G., confirmed, 30.

RHOADS, DAVID D., confirmed, 31.

RHOADS, JOHN S., confirmed, 52.

RICE, Alton O., confirmed, 188.

RICHMAN, MRS. MARYON W., confirmed, 28.

RICHMOND, JOHN JR., confirmed, 33.

RICKENBACH, G. VICTOR, confirmed, 30.

RIDDLE, H. M., confirmed, 32.

RIDDLE, W. A., confirmed, 31.

RIEGER, CHARLES A. JR., confirmed, 33.

RIGBY, J. ALFRED, confirmed, 26.

RIGGS, MRS. MARGERY W., confirmed, 30.

RIGLING, MISS LUCINDA E., confirmed, 31.

RINGE, WALDORF R., confirmed, 25.

RINK, FRANK, confirmed, 32.

RISSEL, MRS. ANNABEL, confirmed, 22.

RITENBAUGH, RAYMOND L., confirmed, 25.

RITTER, HENRY S., confirmed, 187.

RITTER, MISS VERA F., confirmed, 22.

ROBERTS, ARTHUR SAVERY, confirmed, 28.

ROBERTS, MRS. ELSIE F., confirmed, 32.

ROBERTS, MISS GERTRUDE A., confirmed, 26.

ROBBINS, HAYES JR., confirmed, 52.

ROESER, MISS ESTHER A., confirmed, 228.

ROGERS, HARRISON J., confirmed, 300.

ROGERS, JACK, confirmed, 29.

ROGERS, MISS VIOLA A., confirmed, 31.

ROHRBAUGH, SPURGEON E., confirmed, 35.

ROHRKASTE, C. W., confirmed, 34.

ROSE, MRS. HELEN S., confirmed, 52.

ROSE, T. M., confirmed, 28.

ROSENBERG, CHARLES K., confirmed, 28.

ROSENBERGER, MRS. DOLORES T., confirmed, 25.

ROSENBERGER, MISS MARGUERITE T., confirmed, 34.

ROSENBLUTH, HERMAN L., confirmed, 32.

NOTARIES PUBLIC—Continued.

ROSS, MISS THELMA R., confirmed, 27.

ROTH, CHAS E., confirmed, 27.

ROTH, MATTHEW A., confirmed, 24.

ROTHROCK, M. J., confirmed, 26.

ROWAN, WILLIAM V., confirmed, 28.

ROWELL, MRS. THEOLA B., confirmed, 25.

ROWLAND, WILLIAM ROBERT, confirmed, 34.

RUBEN, SAM R., confirmed, 29.

RUBENDALL, MISS J. L., confirmed, 32.

RUBIN, MRS. MIRIAM M., confirmed, 28.

RUCH, MISS PAULINE A., confirmed, 31.

RUDMAN, MICHAEL E., confirmed, 188.

RUETER, WILLIAM R., confirmed, 33.

RULEY, HARRY F., confirmed, 188.

RULLI, MISS MARY A., confirmed, 31.

RUMBERGER, MISS CORA J., confirmed, 22.

RUSSELL, MISS GERALDINE C., confirmed, 30.

RUSSELL, H. LAWTON, confirmed, 34.

RYAN, MRS. T. S., confirmed, 24.

RYON, WILLIAM W., JR., confirmed, 24.

S.

SABIN, WM R., confirmed, 29.

SAGAN, SAMUEL, confirmed, 52.

SAMEK, LESTER J., confirmed, 29.

SAMET, MISS MARIE, confirmed, 28.

SAMMON, P. A., confirmed, 32.

SAMUELSON, MRS. MARY E., confirmed, 29.

SANDER, OTTO W., confirmed, 30.

SARGENT, MARTIN L., confirmed, 33.

SARGENT, WILLIAM J., confirmed, 22.

SASSAMAN, MISS LILLIAN R., confirmed, 23.

SAUDER, MERVIN S., confirmed, 32.

SAWDY, GORDON F., confirmed, 22.

SAYERS, THOMAS W., confirmed, 22.

SAYES, DAVID G., confirmed, 32.

SCALLY, MRS. E. T., confirmed, 31.

SCELSI, MICHAEL P., confirmed, 33.

SCHABOW, W. J., confirmed, 228.

SCHAD, MISS CATHERINE J., confirmed, 34.

SCHAEFER, MISS LILLIAN A., confirmed, 28.

SCHAFFNER, WILLIAM J., confirmed, 25.

SCHALL, ELMER J., confirmed, 24.

SCHALL, HARRY, confirmed, 22.

SCHALLER, FRANK C., confirmed, 28.

SCHERER, JAMES McF., confirmed, 33.

SCHETTIG, LESTER A., confirmed, 26.

NOTARIES PUBLIC—Continued.
SCHMIDT, EDWARD S., confirmed, 24.
SCHMUCKER, WILLIAM C., confirmed, 33.
SCHNABEL, GEORGE JR., confirmed, 28.
SCHNECK, CHAS. C., confirmed, 32.
SCHNEIDER, MISS DORIS B., confirmed, 52.
SCHOCH, MISS EDWINA F., confirmed, 33.
SCHOFIELD, MRS. EDITH S., confirmed, 188.
SCHOLL, MRS. E. HERB, confirmed, 29.
SCHRAMM, K. O. F., confirmed, 25.
SCHRIBER, G. L., confirmed, 29.
SCHUBERT, FRED E., confirmed, 22.
SCHUBERTH, EUGENE E., confirmed, 23.
SCHULTZ, ARTHUR E., confirmed, 26.
SCHULTZ, MISS DORIS, confirmed, 33.
SCHULZE, ARTHUR A., confirmed, 300.
SCHWALM, ALLEN Q., confirmed, 28.
SCHWEIG, HARRISON G., confirmed, 301.
SCHWENK, MISS SOPHIE, confirmed, 33.
SCIULLO, MISS FLORA D., confirmed, 34.
SCOTT, CLINTON H. JR., confirmed, 27.
SCOTT, MISS KATHRYNE A., confirmed, 33.
SCOTT, MRS. MILDRED A., confirmed, 51.
SCOTT, WM D., confirmed, 30.
SEDER, MARTIN, confirmed, 25.
SEELHORST, H. CHARLES, confirmed, 25.
SEIBERT, MRS. LENA PEARL, confirmed, 27.
SEIBERT, WOODROW W., confirmed, 32.
SEIF, MISS M. ELIZABETH, confirmed, 29.
SEITZINGER, MISS EMMA C., confirmed, 23.
SELLORS, MISS CLAREE, confirmed, 31.
SELMI, WILLIAM, confirmed, 33.
SEMBER, MISS C. M., confirmed, 32.
SENEFF, MRS. IDA M., confirmed, 51.
SERGEANT, F. EUGENE JR., confirmed, 30.
SERNA, FRANK C., confirmed, 29.
SHAEFFER, MRS. ANNE, confirmed, 22.
SHAFER, W. THOMAS, confirmed, 33.
SHAFFER, D. LOUCKS D., confirmed, 34.
SHAFFER, MARVIN H., confirmed, 35.
SHAKLEE, MRS. GERTRUDE M., confirmed, 32.
SHANABERGER, MISS BETTY, confirmed, 29.
SHANKS, MRS. MARTHA, confirmed, 34.
SHANNON, MEADE E., confirmed, 30.
SHAPIRO, ISRAEL, confirmed, 30.
SHARP, HERBERT F., confirmed, 22.
SHARP, RUSSEL S., confirmed, 27.
NOTARIES PUBLIC—Continued.
SHAUB, VICTOR W., confirmed, 32.
SHAW, GEORGE, confirmed, 25.
SHEA, JAMES J., confirmed, 31.
SHEAFFER, MISS MARGARET M., confirmed, 35.
SHEERAN, MICHAEL I., confirmed, 34.
SHEETZ, MISS M. ANNA, confirmed, 27.
SHEPERD, T. L., confirmed, 26.
SHEPPARD, DORR M., confirmed, 30.
SHIELDS, JOHN M., confirmed, 33.
SHIELDS, MRS. MAY C., confirmed, 30.
SHIELS, ROBERT, confirmed, 26.
SHIRES, MISS RUTH N., confirmed, 33.
SHIRKER, MRS. MARY E., confirmed, 27.
SHIVY, FRANK, confirmed, 27.
SHRADER, PAUL H., confirmed, 34.
SHREINER, MISS MARIE, confirmed, 23.
SHUMAN, JOHN H., confirmed, 31.
SHUNK, WALTER J. JR., confirmed, 187.
SHUPALA, MISS ROSE, M., confirmed, 30.
SHUTTS, H. K., confirmed, 31.
SICHITANO, B. A., confirmed, 52.
SIEBERT, FRED W., confirmed, 29.
SIEGEL, MISS IDA E., confirmed, 30.
SIEGFRIED, GEORGE W., confirmed, 32.
SILFIES, MRS. HELEN, confirmed, 228.
SILVER, KALMAN, confirmed, 188.
SIMON, MARK, confirmed, 28.
SIMONS, E. E., confirmed, 33.
SIMONS, MRS. MABYL T., confirmed, 29.
SIMONSON, MRS. CATHERINE C., confirmed, 30.
SIMPSON, MRS. EDITH P., confirmed, 26.
SIPKO, MRS. ELSIE, confirmed, 32.
SIROTT, MYER, confirmed, 33.
SKILLMAN, LOUIS A., confirmed, 28.
SLACK, H. B., confirmed, 51.
SLICK, ALBERT R., confirmed, 24.
SLIKER, EDWARD W., confirmed, 52.
SLOGENHOP, WILLIAM M., confirmed, 23.
SLOWIK, FRANK W., confirmed, 52.
SMETANA, JOSEPH, confirmed, 32.
SMITH, MISS ANNA M., confirmed, 27.
SMITH, DAVID S., confirmed, 33.
SMITH, EDWIN P., confirmed, 34.
SMITH, JAMES G., confirmed, 30.
SMITH, J. HOWARD, confirmed, 300.
SMITH, MRS. LOUISE M., confirmed, 228.

NOTARIES PUBLIC—Continued.

SMITH, MRS. OLLIE L., confirmed, 30.
SMITH, ROBERT E., confirmed, 32.
SMITH, R. EUGENE, confirmed, 32.
SMITH, R. STANLEY, confirmed, 32.
SMITH, ROWLAND C., confirmed, 188.
SMITH, WILLIAM G., confirmed, 31.
SMITHERS, THEODORE, confirmed, 23.
SMOLCZYNSKI, JOSEPH E., confirmed, 188
SNELL, EARL C., confirmed, 228.
SNODGRASS, W. R., confirmed, 25.
SNYDER, JOHN H., confirmed, 33.
SNYDER, J. H., confirmed, 30.
SNYDER, JOHN L., confirmed, 23.
SOBERS, EDGAR C., confirmed, 27.
SOFFER, MRS. IDA, confirmed, 30.
SOMMER, MRS. MARGARET M., confirmed, 28.
SONEN, WALTER L., confirmed, 30.
SONZOGNI, MARINO, confirmed, 33.
SOUDERS, MISS RUTH J., confirmed, 30.
SPANGENBERG, FRANK, confirmed, 23.
SPEICHER, C. JACOB, confirmed, 30.
SPINNENWEBER, JOHN H., confirmed, 30.
SPOHN, MRS. M. JENNIE, confirmed, 33.
SPORCIC, ANTON G., confirmed, 29.
SPRINGER, MRS. ADELAIDE G., confirmed, 22.
SPRINGER, MRS. NORA C., confirmed, 23.
SQUILLANTE, MISS MARGARET E., confirmed, 29.
STAATS, EDMUNDS L., confirmed, 31.
STAHL, MRS. MILDRED G., confirmed, 26.
STANTON, MISS KATHRYN G., confirmed, 34.
STARR, MISS EDITH LYTLE, confirmed, 29.
STARRETT, MISS ELIZABETH, confirmed, 28.
STARSINIC, MRS. HELEN, confirmed, 28.
STASHKO, THOMAS, confirmed, 32.
STASKEL, GEORGE, confirmed, 24.
STEELY, MISS ADA M., confirmed, 31.
STEFONICH, MICHAEL, confirmed, 22.
STEIGMAN, MRS. SOPHIE, confirmed, 34.
STEIN, RUSSELL P., confirmed, 34.
STEINMAN, HERBERT E., confirmed, 31.
STEINMAYER, CHARLES J., confirmed, 30.
STENACH, MRS. TERESA, confirmed, 24.
STEPHENSON, MRS. ELIZABETH L., confirmed, 27.
STERLINE, MRS. ANNE A., confirmed, 187.
STERLING, MRS. HELEN M., confirmed, 22.
STEVENS, MISS HAL, confirmed, 22.

NOTARIES PUBLIC—Continued.

STEVENSON, MISS DOROTHY M., confirmed, 26.
STEWART, EDWARD W., confirmed, 33.
STEWART, MRS. ETHEL L., confirmed, 34.
STEWART, MISS RUTH, confirmed, 26.
STOCKHAM, FRANK W., confirmed, 23.
STOKES, MRS. PAULINE B., confirmed, 35.
STOTT, WM DEWEY, JR., confirmed, 228.
STOTT, MISS EDWINA J., confirmed, 30.
STOUT, MRS. GENEVA M., confirmed, 30.
STOVER, MRS. BEULAH B., confirmed, 30.
STRACCIA, confirmed, 29.
STRASSMAN, JOSEPH, confirmed, 25.
STRICKLER, HOMER HUMMEL, confirmed, 31.
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WILDONER, MISS ALICE M., confirmed, 27.

WILEY, MRS. HELEN S., confirmed, 25.

WILEY, JOSEPH J., confirmed, 33.

WILLIAMS, MISS D. E., confirmed, 31.

WILLIAMS, EARL W., confirmed, 33.

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WILSON, MISS MARGARET S., confirmed, 28.

WILSON, MISS RUTH E., confirmed, 26.

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WOOD, MISS MAY, confirmed, 25.

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WOOLEVER, HARRY JR., confirmed, 33.

WORKMAN, MISS DELLA D., confirmed, 33

WORTHINGTON, VERNON, confirmed, 28.

WRATHER, CHARLES A., confirmed, 25.

WREN, ROLAND G., confirmed, 33.

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WRIGHT, JOHN A., confirmed, 26.

WRIGHT, ROY A., confirmed, 24.

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YEAGER, MRS. ANN M., confirmed, 27.

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YOUNG, MRS. ETHEL B., confirmed, 27.

YOUNG, FRED W. JR., confirmed, 30.

YOUNG, MRS. SARAH, confirmed, 26.

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PENNSYLVANIA INDUSTRIAL SCHOOL, Members of The Board of Trustees of; Joseph H. Mosser, Albert I. Wise, John H. Biddle, Charles S. Bentley, Frederick B. Smillie, D. C. Goodman; Nominated, 13. Referred, 13. Reported, 296. Confirmed, 305.

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Request for verification of roll call by, on
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SLOAN, WALTER R., Representative from Fulton County.

Resolution offered by
Extending sympathy of House to brothers and friends of former Member, Hon. Morris Elmer Hoover, upon his death, 47.

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SMITH, GENE D., Deputy Secretary of the Commonwealth: (see Writs of Election, 343).

SNOWDEN, JOHN G., Senator from Columbia, Montour, Lycoming and Sullivan Counties (Twenty-fourth District).

Resolution offered by
Disposing of all petitions, memorials and remonstrances, 8.

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SNYDER, FRANK E., Representative from Tioga County.

Bill reported by
No. 9.
Amending Act, 1939, reducing appropriation to Department, Property and Supplies for leases and contracts of Commonwealth with General State Authority, 60.

Roll call, 39.

SOLDIERS' AND SAILORS' HOME, PENNSYLVANIA: (see Pennsylvania Soldiers' and Sailors' Home).

SOLDIERS, SAILORS AND MARINES: (see Veterans' Compensation Fund).

SOLLENBERGER, D. RAYMOND, Representative from Blair County (Second District).

Roll call, 39.

SOUTHERN BUS TRANSPORTATION COMPANY: reference to, 270.

SPANGLER BOROUGH, Paul M. Lantzy, Secretary of Council of: Letter from, opposing diversion of liquid fuel tax money for relief purposes; presented by Haluska, 241.

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SPECIAL SESSION: (see Extraordinary Session).

STALIN: reference to, 289.

STAMBAUGH, LLOYD D Representative from Perry County.

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STANK, JOHN F., Representative from Northumberland County (Second District).

Request for verification of roll call by, on
Final passage of bill No. 5, transferring money from Fire Insurance Tax Fund to General Fund; repayment, 149.

Roll call, 39.

STATE ART COMMISSION, Member of The: Warren Powers Laird, nominated, 9. Referred, 9. Reported, 295. Confirmed, 301.

STATE AUTHORITY, DIRECTOR OF THE: Head of, to appear before Senate Committee studying relief measures, to furnish the Committee with full information concerning financial status of his department: resolution (Senate) by Shapiro, requesting, 183. Referred, 183. Called up, 190. Referred to Committee on Finance, 191-193. Remarks on, by several Senators, 191-193.

STATE BOARD FOR THE EXAMINATION OF PUBLIC ACCOUNTANTS, Members of The: M. C. Conick, Wilhelm E. Shissler; nominated, 14. Referred, 14. Reported, 297. Confirmed, 306.

STATE BOARD OF CENSORS, PENNSYLVANIA, Members of The. (see Pennsylvania State Board of Censors).

STATE BOARD OF EXAMINERS FOR THE REGISTRATION OF NURSES, Members of The: Miss Emma S. Ballamy, Miss Loretta M. Johnson; nominated, 13. Referred, 13. Reported, 296. Confirmed, 305.

STATE BOARD OF EXAMINERS OF ARCHITECTS, Members of The: Charles T. Ingham, Edmund R. Purves, Frederick A. Muhlenberg, Clement S. Kirby, M. Edwin Green; nominated, 9. Referred, 9. Reported, 295. Confirmed, 301.

STATE BOARD OF MEDICAL EDUCATION AND LICENSURE, Members of The: C. J. Hemminger, John E. James, Charles L. Shafer, Irvin D. Metzger; nominated, 12. Referred, 12. Reported, 296. Confirmed, 304.

STATE BOARD OF OSTEOPATHIC EXAMINERS, Members of The State Board of: H. M. Vastine, Charles D. Farrow, Thomas H. Oxley, L. S. Irwin; nominated, 13. Referred, 13. Reported, 296. Confirmed, 305.

STATE BOARD OF PHARMACY, Member of The: John R. Williams; nominated, 13. Referred, 13. Reported, 296. Confirmed, 305.

STATE BOARD OF PUBLIC ASSISTANCE, Members of The: Frank A. Robbins, Jr., James J. Knoud; nominated, 14. Referred, 14. Reported, 297. Confirmed, 306.

STATE BOARD OF UNDERTAKERS, Members of The: Warren J. Dean, George R. Huff, Harold R. Toner, Charles A. Fitzpatrick; nominated, 15. Referred, 15. Reported, 297. Confirmed, 307.

STATE BOARD OF VETERINARY MEDICAL EXAMINERS, Members of The: Earle S. Pickup, Harry F. Broude, M. E. Patrick, H. W. Barnard, Benjamin Price; nominated, 16. Referred, 16. Reported, 297. Confirmed, 307.

STATE COLLEGE. (see Pennsylvania State College).

STATE COUNCIL OF EDUCATION, Members of The: John J. Sullivan, Donald L. Helfferich, Miss Elsie M. Heckman, Herbert J. Stockton, W. Floyd Clinger, Marenus Aaron, Miles Horst, Robert C. Shaw, G. Morris Smith; nominated, 11. Referred, 11. Reported, 296. Confirmed, 303.

STATE COUNCIL OF EDUCATION. (see State School Fund).

STATE DENTAL COUNCIL AND EXAMINING BOARD, Members of The: W. A. McCready, A. M. Stinson, Andrew J. Heffernan, R. E. Black; nominated, 10. Referred, 10. Reported, 296. Confirmed, 303.

STATE EMPLOYES' RETIREMENT BOARD, Member of The: Mrs. Marion Margery Scranton; nominated, 14. Referred, 14. Reported, 297. Confirmed, 306.

STATE FARM PRODUCTS SHOW COMMISSION, Member of The; Harry Snavely, George Slocum, C. E. Cassel; nominated, 11. Referred, 11. Reported, 296. Confirmed, 303.

STATE GOVERNMENT COMMISSION, JOINT: Attention of Legislature called to information concerning various subjects compiled by, 349, 350.

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STATE GOVERNMENT COMMISSION, JOINT: reference to, 270.

STATE LOTTERY COMMISSION. (see Lotteries).

STATE PARK AND HARBOR COMMISSION. (see Pennsylvania State Park and Harbor Commission of Erie).

STATE PROTECTIVE INVESTMENT ANNUITY COMMISSION. (see Annuity Plan, State Protective Investment).

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, Members of The: Andrew B. Crichton, George S. Richardson; nominated, 11. Referred, 11. Reported, 296. Confirmed, 303.

STATE SCHOOL FUND, transfer to General Fund from; repayment

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Referred to Committee on Appropriations, 47.
Reported without amendment, 60.
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Returned from Senate with amendment, 347.
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Reported without amendment, 185.
First reading, 189.
Second reading, 210.
Recommitted to Committee on Finance, 224.
Re-reported with amendment, 238.
Third reading and final passage, 262, 263.
Returned from House with amendments concurred in, 332.
Signed by President, 333.

Remarks on, by
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STATE TREASURER, to appear before Senate Committee studying relief measures, to furnish the Committee with full information concerning financial status of his department; resolution (Senate) by Shapiro, requesting, 183. Referred, 183. Called up, 190. Referred to Committee on Finance, 191-193. Remarks on, by several Senators, 191-193.

STATE TREASURER. (see Constitution of Pennsylvania, Ross, F. Clair).

STATE VETERANS' COMMISSION, Members of The: J. Guy Griffith, Fred Myers, George S. Fay, John U. Shroyer,* Robert J. Doran, Henry Grab; nominated, 16. Referred, 16. Reported, 297. Confirmed, 307.
* Report withheld, 297.

STATE WELFARE COMMISSION, Members of The: Paul N. Schaeffer, Earl D. Bond, Mrs. Mary C. Stackpole, Charles J. McBride, Mrs. Mary B. Hanson, Charles L. Brown, John B. Nutt; nominated, 16. Referred, 16. Reported, 297. Confirmed, 308.

STATE WORLD'S FAIR COMMISSION, Member of The; Richard P. Brown; nominated, 17. Referred, 17. Reported, 298. Confirmed, 309.

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STEVENSON, GEORGE B., Senator from Cameron, Clarion, Clinton, Elk and Forest Counties (Twenty-Sixth District).

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STEWART, J. T., Representative from Indiana County.

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STIEFEL, ISRAEL, Senator from Philadelphia County (Fifth District).

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STOCKHAM, THOMAS B., Representative from Bucks County.

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Bill reported by
No. 7.
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SUPPORT LAW. (see American Progressive League, Inc.).

SWEENEY, CHARLES W., Representative from Philadelphia County (Tenth District).

Amendments offered by, to
Bill No. 22, Pennsylvania Turnpike Philadelphia Extension Act, 105, 108, 114.

Remarks by, on
Bill No. 22, Pennsylvania Turnpike Philadelphia Extension Act, 105.

Request for roll call by, on
Amendments to Bill No. 22, Pennsylvania Turnpike Philadelphia Extension Act, 107.

Resolution offered by
Extending sympathy of House to widow and children of former Member, Hon. Thomas E. Shea, upon his death, 366.

Roll call, 39.

TAHL, HERMAN J., Representative from Philadelphia County (Ninth District).

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TALBOT, JAMES L.; Sergeant-at-Arms: See Writs of Election, 343.

TARR, BURTON E., Representative from Fayette County (Second District).

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TAYLOR, RAY E., Representative from Dauphin County (First District).

Roll call, 39.

TALLMAN, OSCAR JACOB, Senator from Lehigh County (Sixteenth District).

Bills reported by
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No. 5 (House No. 2).
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No. 5 (House No. 2).
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No. 17 (House No. 14).
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Unanimous consent to report bills, 239.

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TERRY, CHARLES L., Representative from Wyoming County.

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THISTLE, RAYMOND A., Representative from Philadelphia County (Twenty-sixth District).

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THOMAS, J. FRED, Senator from Crawford and Mercer Counties (Fiftieth District).

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THOMPSON, EDWIN F., Representative from Philadelphia County (Thirteenth District).

Roll call, 39.

THOMPSON, G. R., Representative from Adams County.

Roll call, 39.

TIEMANN, FRANK J., Representative from Philadelphia County (Seventeenth District).

Roll call, 39.

TORRANCE STATE HOSPITAL, Members of The Board of Trustees of: John A. Robertshaw, James Gregg, R. L. E. McCormick, C. G. Gonder, W. N. Dickie, J. Kirk Renner, Virgil Chirico; nominated, 15. Referred, 15. Reported, 297. Confirmed, 306, 307.

TOWNSHIPS: (see Public Assistance, Department of).

TRAINING SCHOOL. (see Pennsylvania Training School).

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TRESCHER, MRS. MAUDE BYERS: Resolution (House( by Denman, extending sympathy of House to children of former Member, upon her death, 115.

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TRONZO, AL, Representative from Allegheny County (First District).

Amendments offered by, to
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TRONZO, AL—Continued.

Request for roll call by, on
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TROUT, HARRY E., Representative from Lancaster County (Second District).

Bills introduced by
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Amending Act, 1937, redefining term wages, relating to Unemployment Compensation, 48.

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TURNER ELLWOOD J., Representative from Delaware County (Second District) (SPEAKER).

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TURNPIKE from Pennsylvania-Ohio boundary to point near Philadelphia; providing for a
(Pennsylvania Turnpike Philadelphia Extension Act).

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Read in place in House by Mr. Curran, 49.
Referred to Committee on State Government, 49.
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Third reading and final passage, 170-175.
Returned from Senate with amendments, 353, 354.
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Referred to Committee on Finance, 180.
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Third reading and final passage, 326-332.
Returned from House with amendments concurred in, 335.
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TURNPIKE ACT. (see House Bill No. 22 indexed under "Turnpike").

TURNPIKE COMMISSION: Payment of moneys due land owners by Pennsylvania, resolution (Senate) by Dent, relating to, 184. Laid on table, 185. Called up and adopted, 224-228. Remarks on, by various Senators, 225-227, 286, 289, 330-332. (see also, Petitions and Remonstrances, 177).

TURNPIKE COMMISSION, PENNSYLVANIA: Department of Highways, in cooperation with, to make a survey and prepare plans of a proposed route between Middlesex in Cumberland County to a point at the City of Philadelphia, resolution concurrent (Senate) by Kephart, authorizing, 236. Referred to Committee on Rules in House, 345. Remarks on, by various Senators, 236-238.

TURNPIKE COMMISSION: Petition, submitted by Dent, urging payment due former property owners for land taken by the, 177. See also, resolution, 184, 224-228. Discussion, 286, 289.

TURNPIKE COMMISSION: Walter A. Jones, Chairman, letter from, read in Senate, 286. Reference to, 332.

TWENTY-FIRST LEGISLATIVE DISTRICT: Special Election in, concerning, 73, 74, 343.

UNDERTAKERS: (see State Board of).

UNEMPLOYMENT COMPENSATION; amending Act, 1936, reducing waiting period before receiving; increasing weekly amount, also number of weeks for receiving

Senate Bill No. 23.
Read in place in Senate by Mr. Dent, 180.
Referred to Committee on Labor and Industry, 180.

UNEMPLOYMENT COMPENSATION; amending Act, 1937, reducing waiting period for, and increasing weekly amount and number of weeks the same shall be paid.

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Read in place in House by Mr. Lovett, 49.
Referred to Committee on Judiciary General, 49.

UNEMPLOYMENT COMPENSATION: Attention of Legislature called to information concerning, compiled by Joint State Government Commission, 349, 350.

UNEMPLOYMENT COMPENSATION. (see Wages).

UNEMPLOYMENT COMPENSATION BOARD OF REVIEW, Members of The: P. Stephen Stahlnecker, Clarence E. Blackburn, Henry S. Lawrence; nominated, 15. Referred, 15. Reported, 297. Confirmed, 307.

UNEMPLOYMENT COMPENSATION LAW, 1937; extending scope of, to include certain ill and physically disabled persons; and reducing waiting period for compensation.

House Bill No. 27.
Read in place in House by Mr. Falkenstein, 73.
Referred to Committee on Judiciary General, 73.

UNEMPLOYMENT COMPENSATION REFEREES: Samuel J. Roberts, Harvey G. Berkhouse, Elbert L. Davies, George H. Bennett, George C. Brown, C. W. Rubendall, Michael J. Stack,* Patrick Conner, John B. Conly; nominated, 15. Referred, 15. Reported, 297. Confirmed, 307.
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UNIFORM STATE LAWS. (see Board of Commissioners on Uniform State Laws).

UNITED STATES, PRESIDENT OF THE. (see President of The United States).

URBAN COLORED POPULATION OF THE STATE. (see Colored Population, etc.).

VALLEY FORGE PARK COMMISSION, Members of The: Edward C. Shannon, Thomas S. Gates, Mrs. Mary Handley Forney, Mrs. Eleanor Morris Lloyd, William Innes Forbes, Mrs. Mary Gray Stetzer, Walter L. Wright, Mrs. Anita Porter Clothier, Joseph N. Ewing, Adolf Muller, Theodore Lane Bean, Ralph Morgan, Mrs. Bessie Dobson Altemus; nominated, 15, 16. Referred, 15, 16. Reported, 297. Confirmed, 307.

VAN ALLSBURG BILL on public assistance: Question of Information concerning introducing amendments to, by Haluska, 56, 57. See also, Questions of Personal Privilege, 58. Resolution, 59. Opinion of Attorney-General, 178.

VAN ALLSBURG, JOHN E., Representative from Erie County (Third District).

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Amending Act, 1937, changing definition of dependent children to conform to Federal Social Security Act, 61.

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VAN BELLE, THOMAS B., Representative from Philadelphia County (Tenth District).

Roll call, 39.

VARES: reference to, 124.

VETERANS' BUREAU: Head of, to appear before Senate Committee studying relief measures, to furnish the Committee with full information concerning financial status of his department; resolution (Senate) by Shapiro, requesting, 183. Referred, 183. Called up, 190. Referred to Committee on Finance, 191-193. Remarks on, by several Senators, 191-193.

VETERANS' COMMISSION, STATE. (see State Veterans' Commission).

VETERANS' COMPENSATION BONDS. (see Veterans' Compensation Fund).

VETERANS' COMPENSATION FUND, transfer to Veterans' Compensation Sinking Fund from; to meet sinking-fund requirements on Veterans' Compensation Bonds.

House Bill No. 8.
Read in place in House by Mr. Herferd M. Wood, 47.
Referred to Committee on Appropriations, 47.
Reported without amendment, 60.

VETERANS' COMPENSATION FUND—Continued.
First reading, 69.
Second reading, 95.
Third reading and final passage, 156.
Returned from Senate without amendment, 344.
Signed by Speaker, 345.
Approved by the Governor, May 16, 1940. Act No. 6

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Reported without amendment, 186.
First reading, 189.
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Recommitted to Committee on Finance, 224.
Re-reported without amendment, 239.
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Signed by President, 324.

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VETERANS' COMPENSATION SINKING FUND. (see Veterans' Compensation Fund).

VETERINARY MEDICAL EXAMINERS, STATE BOARD OF: (see State Board of Veterinary Medical Examiners).

VOORHEES, CHARLES E., Representative from Philadelphia County (Eighth District).

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VOTING, ABSENTEE. (see Constitution of Pennsylvania).

WAGES; amending "Unemployment Compensation Law, 1937," redefining term

House Bill No. 17.
Read in place in House by Mr. Christler, 48.
Referred to Committee on Judiciary General, 48.

WAGES, relating to Unemployment Compensation; amending Act, 1937, redefining term

House Bill No. 13.
Referred in place in House by Mr. Trout, 48.
Referred to Committee on Judiciary General, 48.
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First reading, 61, 62.
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Signed by Speaker, 353.
Approved by the Governor, May 16, 1940. Act No. 9.

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In Senate (No. 16).
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Recommitted to Committee on Finance, 224.
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WAGNER, PAUL L., Representative from Schuylkill County (Third District).

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WALKER, JOHN M., Senator from Allegheny County (part of) (Forty-fourth District).

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WARREN STATE HOSPITAL, Members of The Board of Trustees of; Edward W. Johnson, Merle H. Deardorff, George Mason, A. E. Booth, James D. Davis, Harry Smith, Roy Underwood, Fred Fruit, Chester S. Allen; Nominated, 16. Referred, 16. Reported, 297. Confirmed, 308.

WASHINGTON CROSSING PARK COMMISSION, Members of The; Emil Menkle, Mrs. Linda R. Cassard, Edward W. Pangborn, Mrs. Helen Stubbs Smith, Miss Anna K. Hawkes, Elmer E. Althouse, H. W. Turner, Nominated, 16. Referred, 16. Reported, 297. Confirmed, 308.

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WATER AND POWER RESOURCES BOARD, Member of The; Harold A. Thomson; Nominated, 16. Referred, 16. Reported, 297. Confirmed, 308.

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WATKINS, IVAN C., Representative from Schuylkill County (Fourth District).

Roll call, 39.

WEBSTER, RAYMOND C., Representative from Chester County (First District).

Member of Special Committee, 364.

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No. 12.
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Resolution offered by
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